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# ENVIRONMENTAL ASSESSMENT BOARD

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VOLUME: 274

DATE: Tuesday, January 8, 1991

BEFORE:

A. KOVEN Chairman

E. MARTEL Member



FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249

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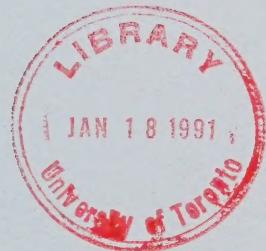
BEFORE:

A. KOVEN

Chairman

E. MARTEL

Member



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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council  
(O.C. 2449/87) authorizing the  
Environmental Assessment Board to  
administer a funding program, in  
connection with the environmental  
assessment hearing with respect to the  
Timber Management Class Environmental  
Assessment, and to distribute funds  
to qualified participants.

-----  
Hearing held at the offices of the Ontario  
Highway Transport Board, Britannica Building,  
151 Bloor Street West, 10th Floor, Toronto,  
Ontario, on Tuesday, January 8th, 1991,  
commencing at 9:20 a.m.

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VOLUME 274

BEFORE:

MRS. ANNE KOVEN

Chairman

MR. ELIE MARTEL

Member



A P P E A R A N C E S

|                         |                                   |
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NORTHWESTERN ONTARIO  
TOURISM ASSOCIATION



I N D E X   O F   P R O C E E D I N G S

| <u>Witness:</u>                                | <u>Page No.</u> |
|--|-----------------|
| <u>CRANDALL BENSON, Recalled</u>               | 49273           |
| Continued Direct Examination by Ms. Swenarchuk | 49274           |
| Cross-Examination by Mr. Hanna                 | 49395           |



I N D E X   O F   E X H I B I T S

| <u>Exhibit No.</u> | <u>Description</u>  | <u>Page No.</u> |
|--------------------|---|-----------------|
| 1634               | Photograph depicting English River Management Unit, 10-year contiguous cut area, part of the area included in the contiguous cut calculation for the English River unit and adjacent units. | 49302           |
| 1635               | Enlargement of Landsat 5 TM Bands 3, 4 and 5 re: Temagami area.   | 49389           |
| 1636               | OFAH Interrogatories and responses thereto for FFT Panel No. 5 (Mr. Benson).  | 49395           |
| 1637               | OFAH revised terms and conditions of November 28, 1990.   | 49399           |



1           ---Upon commencing at 9:20 a.m.

2                           MADAM CHAIR: Good morning. Please be  
3 seated.

4                           MS. SWENARCHUK: Good morning, Madam  
5 Chair, Mr. Martel.

6                           CRANDALL BENSON, Recalled

7                           MS. SWENARCHUK: Before we recommence Mr.  
8 Benson's testimony, you'll notice that I have  
9 distributed the errata sheets for this witness  
10 statement and they're relatively straight forward.

11                         Mr. Benson has provided redrafts of some  
12 of the graphs pertaining to the Domtar/Armstrong unit  
13 and I'll just ask him to explain briefly the  
14 significance of the changes in those graphs.

15                         THE WITNESS: The only significant change  
16 is that the graphs have a smoother curve on them. I  
17 calculated these a number of different ways and I  
18 inserted the wrong graphs when I put the document  
19 together.

20                         THE REPORTER: I'm sorry, I can't hear  
21 the witness.

22                         THE WITNESS: These graphs are a  
23 correction to the Domtar Management Unit and I did the  
24 calculations a number of different ways and inserted  
25 the wrong calculations or the wrong graphs from the

1        wrong calculations in the document that was submitted  
2        and these ones are calculated correctly.

3                    MS. SWENARCHUK: And again I don't think  
4        the reporter got your previous comment. How  
5        significant are the changes in the graphs?

6                    THE WITNESS: They're not really  
7        significant. The graphs take the same form. There's  
8        minor changes.

9                    MS. SWENARCHUK: I think then that we'll  
10      recommence showing the slides and we were showing  
11      slides from the Matawin/Dog River --

12                  MADAM CHAIR: Excuse me, Ms. Swenarchuk.  
13        Do you want to make the errata an exhibit?

14                  MS. SWENARCHUK: It was already made an  
15      exhibit, 1606 before Christmas.

16                  MADAM CHAIR: All right. Thank you.

17        CONTINUED DIRECT EXAMINATION BY MS. SWENARCHUK:

18                  Q. So we're looking at slides from the  
19      Matawin/Dog River unit. We finished on December 11th  
20      with slide No. 59 which we will project again before  
21      moving on.

22                  And the description for slide 59 is  
23      scarification with Koehring harvester converted to pull  
24      sharp toothed barrels and tractor pads, area scarified  
25      has residual poplar and white birch.

1                   And we're now at slide 62 described as  
2                   furrows or ruts created by scarification with the  
3                   machinery of photo 59.

4                   Now, what concerns you about what is  
5                   depicted in this slide, Mr. Benson?

6                   A. For this particular area I feel that  
7                   the scarification method is too heavy and I don't think  
8                   it's really necessary to scarify an area like that with  
9                   such heavy machinery or with that type of equipment.

10                  Q. This is now slide 63 described as  
11                  furrows created in 1988 as seen in 1989 after planting.  
12                  And is there a problem, in your view, with this  
13                  practice?

14                  A. Well, it's a plantation and this area  
15                  I believe was affected by spruce budworm and there  
16                  wasn't too much of an alternative for regeneration in  
17                  this area. With the heavy scarification though a  
18                  number of the trees are planted in the bottom of the  
19                  furrow and I could foresee problems there. It is  
20                  possible the trees could drown in the future.

21                  Q. Next is slide 80 described as  
22                  scarification ruts and erosion, lowland area with few  
23                  residual trees.

24                  A. You can also see the site variety in  
25                  that particular slide from the wetland area in the

1 foreground to, in the middle of the photograph, a small  
2 wet grassy area or reed area and to more of an upland  
3 in the background, particularly on the upper right.

4 Q. This is slide 82 described as barrels  
5 in mid-ground, white birch knocked down by  
6 scarification, general lack of vegetation after  
7 scarification. Do you need the lights?

8 A. That's the same area as the previous  
9 slide. You can see the same small wetland area in the  
10 upper right and just looking at little bit more to the  
11 left.

12 Q. This is now slide 92 described as  
13 clearcut to small pond, small spruce left. What's the  
14 problem with this, in your view?

15 A. Well, it is a clearcut to a pond and  
16 I would think that you should try to leave some reserve  
17 in it and the area that is cut around it is rather  
18 large.

19 Q. This is slide 95, small creek with  
20 small reserve.

21 A. And, once again, it's not an  
22 intermittent creek and I feel there should be more of a  
23 reserve on it. This is taken from a road by the creek  
24 there. There should have been more of a reserve left  
25 to the road in my opinion.

1                   MR. MARTEL: Can I ask a question on  
2                   that? We certainly looked at water and the effects and  
3                   dealt primarily with things like aquatic life, but  
4                   should we be not protecting those reserves but that  
5                   water for animals coming there either to drink or to  
6                   eat and so on, rather than cut right -- and look at it  
7                   more in a total picture as opposed to whether or not  
8                   the fish habitat is saved or not?

9                   THE WITNESS: Yes, I agree the habitat  
10                  for other species, as well as the water quality, the  
11                  overall water quality, the amount of water you're going  
12                  to get going into that area, the amount of  
13                  sedimentation you'll get in that area from the  
14                  cut-over.

15                  MS. SWENARCHUK: Q. This is now slide 95  
16                  described as a small creek with small reserve. I think  
17                  this is slide 95.

18                  MR. MARTEL: The last one was 95.

19                  MR. FREIDIN: The last one was 95.

20                  MS. SWENARCHUK: All right.

21                  Q. Sorry, this is 99, clearcut to small  
22                  lake, scarified with lack of vegetation evident. Do  
23                  you have comments on this slide?

24                  A. Well, I think the problems are the  
25                  same as the other slide except it seems a little more

1       drastic in this case and it's to a lake rather than to  
2       a stream.

3                     Q. This is now slide 102, erosion caused  
4       by a road cut near Burchell Lake by the access road.

5                     A. In a case like this I think these  
6       areas could be seeded to some type of vegetation to  
7       reduce the amount of erosion that you expect on an area  
8       like this.

9                     Q. And this is slide 103, old access  
10      road with erosion.

11                  A. Once again, I think you could take  
12      some action to prevent that road eroding. If it's not  
13      going to be used, you could either -- well, you could  
14      seed it in.

15                  MADAM CHAIR: Excuse me, Mr. Benson. Are  
16      we looking at erosion because it's on a slope going  
17      into water?

18                  THE WITNESS: I'm sorry?

19                  MADAM CHAIR: What's the evidence that  
20      that's eroding? Which way is the water situated?

21                  THE WITNESS: The water would be coming  
22      towards us. It's looking uphill, the road is running  
23      directly uphill.

24                  MADAM CHAIR: And the water is at the  
25      bottom?

1                   THE WITNESS: And the water would be  
2 running down the road towards us.

3                   MADAM CHAIR: Into a lake or --

4                   THE WITNESS: No, it would be running in,  
5 in this case into a ditch and eventually into a creek.

6                   MS. SWENARCHUK: Q. I believe this is  
7 slide 104 which is a large clearcut by the clearcut  
8 exercise area with small residual areas left. And do  
9 you have some comments, Mr. Benson, with regard to the  
10 Board's interpretation of the information from the  
11 clearcut exercise?

12                  A. Not at this point, I think I'll wait  
13 until the end of the slides.

14                  Q. This is slide 116, erosion of a ditch  
15 south of Lake Shebandowan.

16                  A. That slide's in backwards too, but  
17 this one does erode directly into a stream. And, once  
18 again, I think some action could be taken to revegetate  
19 the ditch area.

20                  Q. Now, if we could just stop at slide  
21 116, Mr. Benson. Before you pull out the maps, I have  
22 a few questions from the management chapter of the  
23 text.

24                  On page 183 of Volume II of your witness  
25 statement, you describe an encounter that you had with

1       a supervisor of a timber company operating on this  
2       unit.

3                   MADAM CHAIR: Excuse me, was that page  
4       182, Ms. Swenarchuk?

5                   MS. SWENARCHUK: That discussion begins  
6       on 182.

7                   Q. And then on page 183 at point 3 in  
8       the bottom of the page you indicate that one of the  
9       factors that you took from this encounter is:

10                  "a lack of knowledge of important current  
11       events that could affect their operations  
12                  and in this case should affect them."

13                  Now, why did you comment that, for  
14       example, the Environmental Assessment Act, that you had  
15       talked about with this individual should affect these  
16       operations?

17                  A. Well, I thought he would have been  
18       more aware of it and shold have been aware of -- he  
19       didn't seem to be aware of the environmental  
20       consequence of the cutting actions which would relate  
21       to the environmental assessment procedure.

22                  It just struck me strange he didn't seem  
23       to be aware of what was occurring elsewhere that was  
24       really going to affect his operations.

25                  Q. Do you have any comment about his

1 actions relative to the public's right to information  
2 regarding timber management practices?

3 A. Yes. I found that rather strange. I  
4 could see how he might have been upset if he realized  
5 that we were collecting evidence on the other side, if  
6 you like, but it just seemed that he was rather  
7 antagonistic towards us for just being out on the area  
8 and didn't realize that we had every right as citizens  
9 to be out there on Crown land.

10 Q. Now, on page --

11 MADAM CHAIR: Excuse me. Mr. Benson, are  
12 there restrictions on public access where timber  
13 operations are taking place?

14 THE WITNESS: There can be restrictions  
15 in certain areas if they have what they call land use  
16 permit for a camp area or for a road where they, in  
17 effect, have rented the land and have control of access  
18 to those particular areas.

19 For a logging area itself, I don't know  
20 of any other restrictions except in the hunting season  
21 there can be restrictions for keeping people out of the  
22 area where people are working so you don't have hunting  
23 occurring in the same area.

24 MADAM CHAIR: I was thinking of the many  
25 site visits we've made to areas of active forest

1 operations where there might be feller-bunchers and  
2 trucks going back and forth and so forth, and I just  
3 wondered if it was practical that there would be no  
4 limitations on the public roaming around areas where  
5 there was large equipment operating.

6 THE WITNESS: I don't think there's any  
7 regulations that control that. I could be wrong  
8 though.

9 MS. SWENARCHUK: Q. Did this individual  
10 indicate that he knew of any regulations that said you  
11 couldn't be on the land?

12 A. No.

13 Q. Okay. At page 186 of this chapter,  
14 when you're talking about silvicultural prescriptions  
15 in paragraph No. 3, at the bottom of the page --

16 MR. FREIDIN: Which page?

17 MS. SWENARCHUK: 186, No. 3 at the bottom  
18 of the page.

19 MR. FREIDIN: Thank you.

20 MS. SWENARCHUK: Q. You indicate that  
21 both the white and red pine working groups are not  
22 included in the new prescriptions whereas they were in  
23 the previous ones.

24 Now, what do you conclude from the lack  
25 of reference to white and red pine in the later plan?

1                   A. Well, it wasn't clear to me how they  
2 were going to be managed, whether they were going to be  
3 managed at all. It didn't appear that they were going  
4 to be managed silviculturally, perhaps some of them are  
5 being set aside for aesthetic purposes, but it was not  
6 clear to me what was being done with that particular  
7 working group or with those -- I'm sorry, with those  
8 two particular working groups.

9                   Q. No further questions with regard to  
10 that chapter. I believe you wish to now use photo No.  
11 45 and provide the Board with some information in  
12 regard to how you used the satellite photographs when  
13 you were doing the inspections on the land.

14                  A. Yes, and I think rather than use a  
15 slide, if we could use the photograph from the book it  
16 might be easier. If I could show you on the map.

17                  The map is the contiguous cut map from  
18 the cut-over exercise for the Dog River/Matawin  
19 Management Unit and what I want to illustrate from this  
20 was the relationship of the photograph to the satellite  
21 slides -- slides to the satellite photograph and this  
22 relationship to the map, and the area shown in slide 45  
23 can be seen on --

24                  MADAM CHAIR: Slide 145?

25                  MS. SWENARCHUK: No, 45.

1                   MADAM CHAIR: 45.

2                   THE WITNESS: Seen on the map itself.

3     This road that comes down on the right of the  
4     photograph and then cuts across and up again is this  
5     road coming down here going across and up again.

6                   Now, the cut-over areas when I looked at  
7     them, at the cut-over map, when I looked at these  
8     areas, I just had the satellite shot itself and I went  
9     by it. So you can see how I related the cut-over areas  
10    or got them from the satellite photograph. I hope  
11    that's clear enough.

12                  MADAM CHAIR: Yes.

13                  THE WITNESS: And you can see some of the  
14    older cut areas also, some of them aren't quite as old.

15                  Now, there was a fair bit of publicity on  
16    the cut-over area for the Kapuskasing area. The  
17    important point I wanted to make on that seems to have  
18    been lost somewhere in the process and it's not  
19    necessarily the size in total, it's the way that it's  
20    laid out.

21                  Now, this is a contiguous clearcut and  
22    these areas are all within 10 years of each other.

23                  MADAM CHAIR: The entire circle of the  
24    road?

25                  THE WITNESS: The areas here that --

1                   MS. SWENARCHUK: The light blue and dark  
2                   blue?

3                   THE WITNESS: And has the numbers on them  
4                   that indicate the year that the area was cut. Well,  
5                   this contiguous cut is within 10 years of each other  
6                   when it was cut. Now -- so it makes a rather large  
7                   contiguous cut to start with.

8                   And there's really two points in that.  
9                   First, I feel the individual areas in some cases that  
10                  are being cut are too large; but, secondly, the  
11                  contiguous cut is too large for the small number of  
12                  years involved.

13                  In other words, if I was trying to plan  
14                  out that cut, if possible, I would try and plan it out  
15                  so that the individual cuts within a year were smaller,  
16                  but I would also try to plan it out so that you're  
17                  going to create more diversity within that area, within  
18                  that contiguous cut area.

19                  In other words, I would try not to cut  
20                  all this area within the 10-year time frame, I would  
21                  try to cut it over a longer time frame, if possible,  
22                  and with smaller areas also.

23                  Now --

24                  MADAM CHAIR: What is the area of that  
25                  contiguous --

1 MS. SWENARCHUK: The size?

2 THE WITNESS: I didn't measure that  
3 particular area. The area that I measured and used in  
4 this exercise and stated in the document was a much  
5 larger area down here.

6 MADAM CHAIR: Mm-hmm.

7 THE WITNESS: I don't know the areas of  
8 this. I could find that out if you like. It would be  
9 a rough estimation from what Industry could provide.

10 MADAM CHAIR: And the clarification that  
11 you're giving us has to do with what you told us before  
12 Christmas?

13 THE WITNESS: That's right. And I think  
14 if we take a look in Volume II, then I'd like to switch  
15 to Appendix 2, Volume II.

16 MS. SWENARCHUK: It's at page 419.

17 MADAM CHAIR: Thank you.

18 THE WITNESS: In Appendix 2 in Volume II  
19 gives a hypothetical arrangement of a landscape for two  
20 different working groups and in this hypothetical  
21 arrangement what it's showing is the creation of  
22 diversity in really three different categories ranging  
23 from small unit areas, to medium-sized ones, and to  
24 large sized areas to provide the different habitats  
25 that may be required by species in the area.

1                   Now, within this hypothetical arrangement  
2 within a working group they show three different size  
3 categories, and if you took the pine forest you can see  
4 that they have classified it as young, intermediate and  
5 old.

6                   So instead of looking at the -- let's  
7 say, for example, if it was spruce with a rotation age  
8 of 90, well you could then say from the point of view  
9 of diversity you could consider 1-30 one age-class,  
10 31-60 another, 61-90 the other age-class for diversity.

11                  So that when you go and plan your  
12 harvest, you would plan your harvest and lay it out to  
13 try to create as much of that diversity as possible.

14                  MADAM CHAIR: Excuse me. To create as  
15 much of the three -- at least three age categories and  
16 species?

17                  THE WITNESS: So instead of putting an  
18 age-class within 1-30 beside another age-class 1-30,  
19 you would try to get it beside 61-90 or 31-60.

20                  The problem from a forester's point of  
21 view is: Well, 1-30, should that be the break point.  
22 And that's really where you have to rely on the  
23 biologist to provide you the information: Well, what  
24 is a significant age-class for calling the -- making  
25 the area -- or making that division within the

1       age-class structure.

2                     So when we looked at the map last year  
3       for Spruce Falls and today for the Matawin/Dog River  
4       unit, and you look at the contiguous clearcut areas, my  
5       objection is I think it could be laid out in a better  
6       way, laid out over time so you're not laying it out  
7       just for a particular year but you're looking at how  
8       that unit is going to develop over a long period of  
9       time. And then you lay it out so you're trying to  
10      develop those areas that have the diversity for large  
11      areas, for area-sensitive species, and to try to create  
12      the diversity for smaller areas.

13                  MADAM CHAIR: Excuse me, Mr. Benson. So  
14      you're going -- your ideal objective would be to create  
15      diversity even where it might not exist when you  
16      harvest. Assuming there are very large areas of fire  
17      origin species, your idea would be that you could do a  
18      better job by making that area more diverse through  
19      planned clearcutting?

20                  THE WITNESS: I think all areas have some  
21      diversity inherent within them. You might find an  
22      area, say a jack pine sand flat came back after burn  
23      that was relatively uniform. Yes, I would say to try  
24      to create more diversity within that, yes, to enhance  
25      it somewhat. That's basically the point I wanted to

1 make on that.

2 MR. FREIDIN: I'm sorry?

3 MR. CASSIDY: I'm sorry?

4 MR. FREIDIN: What was the comment?

5 THE WITNESS: That is basically the point  
6 I wanted to make on that particular issue.

7 MR. MARTEL: In the areas you looked at,  
8 the number of units you looked at, is it your opinion  
9 that there is no effort being made to create the  
10 diversity required by wildlife and so on to meet their  
11 needs?

12 THE WITNESS: Not in the sense that I  
13 explained. There certainly is more concern now to try  
14 to put in reserves and arrange for moose habitat, but  
15 what is missing the long-term perspective of trying to  
16 manage the area for all resources, trying to put it all  
17 together.

18 The central theme at the present time is  
19 timber management with the other resources coming in  
20 second, and then on top of that you have to look at it  
21 as a complete unit over time, you have to put in that  
22 time dimension. When you harvest that area, you're  
23 really affecting that area for a long period of time,  
24 so it should be well planned out as to what is that  
25 long-term effect going to be for that area that's being

1 harvested, not just for timber but on all the resources  
2 of that area.

3 MADAM CHAIR: Mr. Benson, let's say we go  
4 back to the Dog River/Matawin map that we were looking  
5 at - we don't have to open it - but when you showed us  
6 the contiguous area that was cut along the road over a  
7 10-year period and you said that -- well, you didn't  
8 like the size of it and you didn't like its contiguous  
9 nature, if Industry -- if it were accepted that  
10 Industry needed a certain timber volume over a 10-year  
11 period and that was essentially the area they were  
12 operating in, would you see that same area being  
13 clearcut but dispersed over a larger area to  
14 accommodate diversity?

15 In other words, if you were going to --  
16 if you had to take timber for whatever reason off the  
17 same size -- same amount of land, could you see  
18 clearcutting taking place over twice that amount in a  
19 10-year period to accommodate diversity?

20 THE WITNESS::Yes, you would have to cover  
21 a larger area in order to get the same amount of  
22 timber, yes.

23 MR. MARTEL: This goes back to a question  
24 I asked and I can't even remember to whom, but that  
25 maybe we should be putting money into road networking

1 as opposed to -- and thus allowing a larger area to be  
2 cut but, at the same time, reducing the size of the  
3 cuts in areas so as to accommodate other needs?

4                   Is that the direction we should be moving  
5 in, in your opinion; in other words, if you're going to  
6 need so much wood that you put more money into road  
7 networking but at the same time protecting -- by having  
8 smaller cuts and more spread out would then protect not  
9 only, let's say trappers, could assist sportsmen, could  
10 assist lodge owners and, at the same time, would make  
11 the Industry viable, because one of the big problems  
12 we've heard that they have with going back and cutting  
13 is the large cost of road networking and maintaining  
14 those roads?

15                  THE WITNESS: Yes, roads are going to be  
16 a major hang-up in trying to manage more area or trying  
17 to cut -- spread your cut out, and that is a problem  
18 that would have to be solved one way or another,  
19 resolved one way or another.

20                  MR. MARTEL: But is there any other way  
21 to do it? I mean, the problem is if you're going to  
22 have smaller cuts and you need a certain amount of  
23 wood, you've got some options but they're pretty  
24 limited; you can do what we're doing, clearcut, or if  
25 you're going to have to operate on a larger area you're

1 going to have to have road networking.

2 THE WITNESS: No, you're right, I don't  
3 see any other option.

4 MS. SWENARCHUK: Q. Is there any problem  
5 with that option, Mr. Benson?

6 A. The option of providing more access  
7 for more area in northern Ontario? Well, there could  
8 be a problem I suppose in some areas. If some people  
9 wanted wilderness areas, you certainly wouldn't want  
10 more access to that, that has been a problem in the  
11 Temagami area to a certain extent. But for the  
12 majority of the area, I don't think it would be a  
13 problem, no.

14 MR. MARTEL: Well, can we stop there  
15 again, because yesterday we heard witnesses yesterday  
16 and other witnesses that Forest for Tomorrow have who  
17 in fact are opposed to it and you're really caught.  
18 That's what I said, your options are limited.

19 But yesterday we heard very definitely  
20 that there wasn't enough wilderness and we've heard  
21 that from a number, and with some justification. I  
22 mean, I'm not coming down on one side or the other but,  
23 you know, there are all kinds of needs that people want  
24 met from the forest and I'm not sure how one  
25 accommodates them all. Yesterday's witness didn't want

1 more roads in fact, just the opposite.

2 THE WITNESS: Well, I don't think you can  
3 ever accommodate everyone. It's like children at  
4 Christmastime I think, they can be happy but never one  
5 hundred per cent happy with what happens.

6 Ultimately I think it boils down to a  
7 political decision of how much is going to be provided  
8 for the different users; how much area in wilderness is  
9 going to be provided, and how much area is going to be  
10 provided for harvesting and for other uses.

11 The example there, wilderness and  
12 harvesting and other uses, wilderness is an exclusion.  
13 Many of the other users can be compatible with timber  
14 use where wilderness use is definitely set aside and is  
15 a separate issue altogether. That's really a land use  
16 type of issue.

17 I don't think there's any easy answer to  
18 that, I would hope that the areas that are set aside  
19 for wilderness, they're set aside for the purpose of  
20 setting aside unique areas across the province that can  
21 be used by different people to indicate the natural  
22 habitat in the province, so it could of use to other  
23 people and foresters also.

24 I don't know what the particular figures  
25 are for what amount of area they want for wilderness

1 groups across the province, but I think it's a  
2 necessary thing; the problem part will be the amount of  
3 areas going to be involved.

4 MR. MARTEL: It would go further than  
5 just wilderness though; wouldn't it, Mr. Benson, it  
6 would also include the type of reserves one has around  
7 lakes that you want to protect for those people who  
8 have invested heavily in commercial enterprises and who  
9 maintain that the logging is too close to the cottage,  
10 opening up -- the roads are opening up all of the lakes  
11 for over fishing and so on.

12 So that one has to envisage then, I would  
13 think, larger reserves without access to the lake  
14 satisfying the needs of everyone. How that satisfied  
15 the needs of the Industry I'm not sure then, because I  
16 suspect they played the role when we eliminated the  
17 doughnut and it was only 400 feet, or whatever.

20 MR. MARTEL: I'm trying to feel you out  
21 because, you see, as you sit and try to put -- I find  
22 this a difficult arena to operate in. I can't ask the  
23 questions I want always because some part of it I want  
24 from you and I'd like an answer from MNR at almost the  
25 same time, but that's 12 months ago that I could talk

1 to MNR and I didn't maybe know then what I wanted to  
2 ask today.

3                   And so this is a kind of a strange forum  
4 for me because I can't get the answers I want right  
5 away and I have to try and look back at what was said  
6 12 months ago, and it isn't a forum for -- well, I find  
7 it a difficult forum for making any type of decisions  
8 and having the type of dialogue that one could have in  
9 order to reach difficult decisions on very complex  
10 problems, I don't find this the best forum to operate  
11 in.

12                  I say that, and maybe not advisedly, but  
13 nonetheless I raise it.

14                  MS. SWENARCHUK: None of us do, Mr.  
15 Martel.

16                  MADAM CHAIR: In his own inscrutable way  
17 I think Mr. Martel is giving you a flavour of how the  
18 Board is looking at some of these issues, and if you  
19 have opinions in response to the kinds of issues that  
20 Mr. Martel is raising, give them now, or as we continue  
21 along with your presentation, now that you know some of  
22 our concerns, feel free to give your opinions at that  
23 time as well.

24                  THE WITNESS: Yeah. I think I'd like to  
25 respond to that. At the present time the -- putting

1 together a management plan is somewhat similar to what  
2 you're saying, how do you get a grip on all these  
3 different issues, and I believe the way it has to  
4 develop is, if you want to get a grip on the issues you  
5 have to face the issues and you have to get the people  
6 involved in those issues together and try to resolve  
7 it.

8 It's not going to be resolved to the  
9 satisfaction of everyone at the level of one hundred  
10 per cent, it's not a win/win situation in all cases.  
11 So the management planning process, being somewhat  
12 parallel to this situation where you're sort of getting  
13 different pieces of information from different sides of  
14 the argument, it's hard really to put them all  
15 together.

16 I think it's the same with the management  
17 plan, if you try to just pick a piece of information  
18 here and a piece of information there, you can't put  
19 together a good management plan; you have to try to get  
20 the people involved in the management plan and to have  
21 them appreciate the problems of managing the area, the  
22 wants and needs of other people to try to get them to  
23 appreciate that and to try to come to some resolution  
24 as to what is a fair and equitable solution for  
25 managing that area.

1                   It's not an easy answer to come up with a  
2 management plan that's going to satisfy the needs of  
3 everyone, and five years down the road you'll find that  
4 there's all of a sudden a different interest for this  
5 area that you might have made a plan for and you have  
6 to change your plan to accommodate a new interest.

7                   But that's a natural process I think.  
8 The process, I would think, would be much more smooth  
9 if it did try to manage for all the resources and the  
10 people that were interested in all the resources were  
11 involved and had an idea of what the management unit  
12 could produce.

13                  The problem with the present management  
14 plan is that it does stress timber more than the other  
15 uses and it's not clear as to: Well, what are the  
16 production rates for the other uses, what are we trying  
17 to produce on that management unit for the other uses.

18                  I can sympathize with your problem  
19 because teaching forest management at the university is  
20 also evolving and traditionally it has been involved  
21 more with timber and we're trying to change our  
22 curriculum at Lakehead University to make it more of an  
23 integrated type of approach and you run into the same  
24 problem of trying to get different people working  
25 together to plan for an area.

1                   In the past we've had our harvesting plan  
2                   separately and the forest management plan separately,  
3                   the wildlife plan separately and we have that problem  
4                   too of trying to put it together, and we have to do  
5                   that if we hope to have our students come out and try  
6                   to do the same thing.

7                   MS. SWENARCHUK: I guess we can return to  
8                   the slides.

9                   MADAM CHAIR: Are we starting at 145?

10                  MS. SWENARCHUK: We're starting with 44 I  
11                  believe, Sious Lookout unit.

12                  MADAM CHAIR: 44.

13                  THE WITNESS: I think I'll take you to  
14                  the map first because I don't have the right slide in  
15                  there for the area.

16                  What I'm showing is the 10-year  
17                  contiguous harvest map for the English River Management  
18                  Unit and there was a rather large area --

19                  MS. SWENARCHUK: I think the next slides  
20                  pertain to Sious Lookout rather than English River.

21                  THE WITNESS: Right.

22                  MR. FREIDIN: Sioux Lookout.

23                  MADAM CHAIR: Excuse me. Did we make the  
24                  last map an exhibit, Ms. Swenarchuk?

25                  MS. SWENARCHUK: The last map was made an

1 exhibit during I believe the MNR's clearcut exercise  
2 reporting to you. I think all of those maps became  
3 exhibits then.

4 MR. FREIDIN: Maybe we could have Mr.  
5 Cassidy --

6 MADAM CHAIR: Oh, you did this before,  
7 that's right. If you could give us an exhibit number,  
8 Mr. Cassidy?

9 MR. CASSIDY: That was Dog River/Matawin  
10 map No. 3, Ms. Swenarchuk?

11 MS. SWENARCHUK: That's right.

12 MR. CASSIDY: And that would be by my  
13 records, Industry records Exhibit 1018D.

14 MADAM CHAIR: Thank you. And the map  
15 we're looking at now would be...?

16 THE WITNESS: The map No. 3, contiguous  
17 harvest map, English River Forest.

18 MR. CASSIDY: That is Exhibit 1022D.

19 MADAM CHAIR: Thank you.

20 MR. CASSIDY: Is that Ignace District,  
21 Mr. Benson?

22 THE WITNESS: Ignace, yes.

23 MR. CASSIDY: Yes, okay. Are we going to  
24 Sioux Lookout, Ms. Swenarchuk?

25 MS. SWENARCHUK: Later.

1 MR. CASSIDY: I can hardly wait.

2 THE WITNESS: Well, we're sort of there  
3 already because the part of the Sioux Lookout  
4 Management I looked at is immediately -- on this map  
5 too, it's this block on the bottom right of the map.

6 The area that I measured the figure for  
7 the contiguous clearcut area for that area included  
8 much of this area and included the Sioux Lookout  
9 Management Unit also. And the slides and the pictures  
10 shown in the exhibits is the wrong one.

11 MADAM CHAIR: Which exhibit?

12 MS. SWENARCHUK: The next slide number I  
13 think is 44.

14 THE WITNESS: The next slide number,  
15 right. Yeah, slide 44 is the wrong one.

16 MADAM CHAIR: Okay.

17 THE WITNESS: This picture only shows  
18 part of the area. Here's Sowden Lake. The large  
19 single year clearcut for the English River unit is this  
20 area, you can see it on this photograph as this dark  
21 area here, it was prescribe burn in that area too.

22 MR. FREIDIN: Right. And the area that  
23 was the large single year cut is the area with the hash  
24 marks to the north of Lake --

25 MS. SWENARCHUK: Sowden Lake.

1                   THE WITNESS: Sowden.

2                   MR. FREIDIN: Sowden.

3                   MS. SWENARCHUK: Q. This is a new  
4 photograph then; is it, Mr. Benson?

5                   A. Right. Now, I counted this as a  
6 contiguous clearcut area and the area figure is  
7 actually larger than what it was for the Matawin/Dog  
8 River, but on the other hand, I could see more  
9 potential in this particular area for managing for all  
10 the resources, particularly in the north part of it,  
11 because of the way that the cut has been laid out.

12                  And you can see that the cutting in this  
13 area, although the individual cuts I think are too  
14 large, there is more of a break between the yearly cut  
15 area, so depending upon when they go back and cut the  
16 timber inbetween, they are creating more diversity in  
17 this particular area. Now, if they go back within the  
18 next 10 years there won't be as much diversity created  
19 within that area for harvest areas inbetween.

20                  So that's why I think it's -- you can't  
21 just go by that large figure for contiguous clearcuts,  
22 it's the way that that cut is laid out and the way that  
23 you're looking at it over time, how you're planning for  
24 managing that forest.

25                  MS. SWENARCHUK: Okay. Now, let's give

1           this print an exhibit number, it's a new print.

2                           MADAM CHAIR: We're at Exhibit 1634. And  
3                           could you describe Exhibit 1634, please?

4                           MS. SWENARCHUK: Mr. Benson?

5                           MADAM CHAIR: The photograph that we just  
6                           looked at.

7                           THE WITNESS: I'm sorry, the question  
8                           was...?

9                           MADAM CHAIR: We're going to call this  
10                          Exhibit 1634, and could you describe in just a few  
11                          words what we saw in the photograph.

12                          MS. SWENARCHUK: What area is it, first  
13                          of all?

14                          THE WITNESS: The photograph is showing  
15                          the English River Management Unit, the 10-year  
16                          contiguous cut area and it's part of the area that was  
17                          included in the contiguous cut calculation for the  
18                          English River unit and adjacent units.

19                          ---EXHIBIT NO. 1634: Photograph depicting English  
20                          River Management Unit, 10-year  
21                          contiguous cut area, part of the  
22                          area included in the contiguous  
23                          cut calculation for the English  
24                          River unit and adjacent units.

25                          THE WITNESS: And the point I was making  
26                          was that in English River unit that part of the  
27                          contiguous cut area, the cuts offers the prospect for

1 more diversity to be created the way that they're laid  
2 out. Even though the total area was larger than what  
3 it was for the Matawin/Dog River, I considered the  
4 layout better.

5 MR. FREIDIN: Do you know the date of  
6 that landsat photograph?

7 THE WITNESS: The dates were provided in  
8 one of the interrogatories. I could find that out for  
9 you, if you like.

10 MR. FREIDIN: All right. This is just a  
11 new photograph, I'm not sure whether we've been  
12 provided with that information.

13 MS. SWENARCHUK: We could check that over  
14 lunch.

15 THE WITNESS: The photograph is the same  
16 date as the one for the Matawin/Dog River, it's the  
17 same satellite image.

18 MADAM CHAIR: What was that date?

19 THE WITNESS: I don't know offhand but I  
20 could certainly check that copy.

21 MADAM CHAIR: Thank you. You'll get the  
22 information after lunch, Mr. Freidin.

23 MS. SWENARCHUK: Q. Now, just while  
24 we're describing this process a little bit, Mr. Benson,  
25 with regard to your interpretation of the satellite

1 photos, I think you indicated to the Board before  
2 Christmas that you can't clearly tell the age-class of  
3 forest from the photograph.

4 Did you extrapolate from any other  
5 information, specifically did you extrapolate from  
6 information from the clearcut exercise in coming to  
7 conclusions about the age-classes on the cuts?

8 A. In a general way, yes, particularly  
9 for the areas that were cut within the last 10 years  
10 because I could relate what the areas looked like on  
11 the contiguous cut-over maps provided to what it looked  
12 like on the satellite photograph and somewhat is similar  
13 to looking at normal area photographs of an area where  
14 you do some ground truthing of certain spots and  
15 extrapolate it to the rest of the area.

16 Now, there certainly can be error  
17 involved in that, but I did use the maps that way, as  
18 well, I think I said before, I used the satellite  
19 images or photographs from the satellite image for  
20 navigating through the areas and identifying areas  
21 within the management units.

22 Q. And then, did you do some ground  
23 truthing on the units, to use your phrase, ground  
24 truthing of the conclusions you had reached from the  
25 satellite photos?

1                   A. Yes, that's right. Basically I used  
2                   the satellite images as a map or the photos from the  
3                   satellite images as maps for the area.

4                   Q. Okay. I think we could go to slide  
5                   44 from the Sioux Lookout District.

6                   A. Slide 44 is the wrong one, it doesn't  
7                   extend far enough to the left, so perhaps we could skip  
8                   over it.

9                   Q. Okay. Let's go to the next slide  
10                  which is 426 and the description is a large clearcut to  
11                  lake with site variation evident.

12                  MADAM CHAIR: And are we in the Sioux  
13                  Lookout area?

14                  MS. SWENARCHUK: Yes.

15                  THE WITNESS: This is a portion of that  
16                  unit that's immediately south of the 10-year contiguous  
17                  cut area of the English River unit.

18                  MS. SWENARCHUK: Q. And could you  
19                  explain the site variation that you say is evident in  
20                  the picture?

21                  A. Well, in this case the site variation  
22                  was there, the upland and area that we're taking the  
23                  photograph from with more hardwood evident and then  
24                  progressing down to a flatter, sandier area and with  
25                  some wetland in the mid-ground and then some more sandy

1 area.

2 Q. And was there any variation in how  
3 those different sites have been treated?

4 A. This area extended further to --  
5 we're looking approximately east the way this photograph  
6 is taken, perhaps a bit south -- east/south-east  
7 rather, and as you would go further west it was treated  
8 somewhat differently.

9 The area we're looking at down there, I  
10 don't have the treatment map, but from what I could  
11 tell from the area it was scarified, part of it was  
12 burned and planted with seedlings, jack pine I believe.

13 Further west of this is part of the same  
14 cut-over area, it hadn't been scarified or planted at  
15 that time.

16 MR. MARTEL: Was that cut right to the  
17 shore?

18 THE WITNESS: That was cut right to the  
19 shore, yes.

20 MR. MARTEL: But you don't know what year  
21 though?

22 THE WITNESS: No, I don't, no.

23 MR. MARTEL: How big is the lake?

24 THE WITNESS: I don't know the size of  
25 that particular lake.

1                   MR. MARTEL: More than a pothole though?

2                   THE WITNESS: More than a pothole, yes.

3                   MS. SWENARCHUK: Q. Okay. The next  
4                   slide is 423 described as a large clearcut area. Do  
5                   you have any additional comments on that one?

6                   A. Well, nothing other than it is a  
7                   large clearcut area and there is site variation within  
8                   that particular area ranging from more upland areas to  
9                   lowland areas.

10                  Q. Now, this is 441 described as  
11                  close-up of oil drum in area.

12                  A. In this case it was just an old oil  
13                  drum left by the river which -- with the reserve on it  
14                  that, this unit was not particularly -- didn't have a  
15                  lot of garbage on it, but it did have some and  
16                  something like this I think should be cleaned up.

17                  Q. The next slide is slide 411 described  
18                  as a clearcut with a reserve, small trees left by  
19                  creek, site variety evident.

20                  A. I think you can see the small reserve  
21                  in the middle of the photograph, some site variety from  
22                  sandy, rocky area in the foreground and as you -- in  
23                  the background you're in more of an upland area with  
24                  more hardwood evident.

25                  Q. Now, with regard to the area where

1       there is a rise, would you anticipate any problem with  
2       erosion?

3                   A. I think you could probably experience  
4       some wind erosion in this area as well as water erosion  
5       where you have the hill area.

6                   Q. The next set of slides are from the  
7       English River Management Unit and this one is 182  
8       described as clearcuts to lakes, the intent was to make  
9       the area aesthetically pleasing.

10                  A. I think we missed one here.

11                  Q. Yes, I'm sorry. This is slide 419.

12                  MADAM CHAIR: Is this English River area?

13                  MS. SWENARCHUK: No, this is the last  
14       slide from Sioux Lookout.

15                  MADAM CHAIR: Mm-hmm.

16                  MR. MARTEL: It's obvious the beaver is  
17       the better contractor.

18                  THE WITNESS: And in this particular case  
19       a questions was asked too: What did I consider the  
20       road washouts to be harmful to, the environment or  
21       safety, and I would consider them to be harmful both  
22       ways.

23                  This one is on a major road and it was  
24       not marked and I would consider that a major washout in  
25       that particular area. And that goes directly into a

1       lake, that particular stream, about a half a mile  
2       further downstream, downstream being to the right.

3                    MR. FREIDIN: Can we be advised of the  
4       road?

5                    MS. SWENARCHUK: It's described as a main  
6       access road washed out.

7                    MR. FREIDIN: Do you know which main  
8       access road it is?

9                    THE WITNESS: I don't know the name of  
10      the road. I could certainly show it to you on a map  
11      though.

12                  MR. FREIDIN: All right. We'll do that  
13      during the break. Thank you.

14                  MS. SWENARCHUK: Q. Yes. We're now at  
15      slide 182, these are now two slides from the English  
16      River Management Unit. And this one is described as  
17      clearcuts to lakes, the intent was to make the area  
18      aesthetically pleasing.

19                  My first question is: How do you know  
20      that this was the intent, Mr. Benson?

21                  A. Because the forester for that unit at  
22      that particular time told me what the intent was and I  
23      appreciate his particular efforts in that case and  
24      really didn't have too much argument with what he was  
25      doing, except for the major fact that the areas around

1       it are again rather large clearcuts and you're opening  
2       up quite an avenue to the lake.

3                   Myself I don't really have any objection  
4       of opening up a view to a lake for aesthetics purposes,  
5       but again I think you have to consider the total  
6       landscape and in a case like this I would stagger the  
7       cut more so that the -- say the area on the right of  
8       the road was not cut at the same time as the cut to the  
9       lake was made.

10                  Q. Now, would you anticipate any  
11       concerns regarding erosion in this area?

12                  A. Well, basically that's why I feel  
13       that I wouldn't cut the large area to the right at the  
14       same time because you are going to get some erosion  
15       from an area when it is clearcut and by opening it up  
16       right to the lake, you're opening up more of an access  
17       for erosion to occur.

18                  Q. The next slide is 199 described as a  
19       clearcut to Sowden Lake - this is the area that was  
20       presented in the clearcut exercise for the  
21       Environmental Assessment Hearings - the area cut-over  
22       as determined by the OMNR was 1,342 hectares.

23                  Do you have additional comments on this  
24       slide, Mr. Benson?

25                  A. No. This is the area that was -- I

1 showed on the photograph too, the area that appeared  
2 somewhat dark gray in colour to the north of Sowden  
3 Lake.

4 MS. SWENARCHUK: Now, the next slides  
5 pertain to the Spruce River Forest and there are quite  
6 a number of them. Would you like to break now or at  
7 10:30?

8 MADAM CHAIR: That's fine, Ms.  
9 Swenarchuk.

10 One message, we won't be sitting tomorrow  
11 afternoon. We have been requested by Mr. Hanna, he  
12 will be here to cross-examine and he isn't able to  
13 attend tomorrow afternoon, and so we will adjourn at  
14 noon.

15 MR. CASSIDY: Perhaps I can just  
16 indicate, Madam Chair, for the benefit of all counsel  
17 that my understanding from - and I believe yours is as  
18 well - from Mr. Hanna is that he intends to be a day  
19 and a half in cross-examination.

20 I would simply like to inform the Board  
21 that if by some chance he finishes tomorrow at noon, I  
22 am prepared to commence my cross-examination so we  
23 don't lose the complete afternoon, but there would be  
24 no reason in that circumstance to adjourn.

25 So I just wanted to inform you that I am

1       prepared to do that, but if he's not finished, then we  
2       will adjourn.

3                     MADAM CHAIR: Thank you, Mr. Cassidy.

4                     We'll be back in 20 minutes.

5       ---Recess taken at 10:25 a.m.

6       ---On resuming at 10:40 a.m.

7                     MADAM CHAIR: Thank you. Be seated.

8                     MS. SWENARCHUK: Q. Beginning now with  
9       the slides from the Spruce River Forest, the first one  
10      is slide 44 which is satellite image.

11                  A. Slide 44 is a --

12                  Q. This is 43 I believe.

13                  A. Correct. 43 is the slide of the  
14       satellite image and the part of the Spruce River Forest  
15       that I looked at I'll indicate on the screen. It's on  
16       the right middle of the slide and included this area  
17       here and the area down here.

18                  The area I measured for contiguous cut  
19       was the figure that was included in the document  
20       included this area here and down into the unit below  
21       and all the way up and over here.

22                  Basically we don't have a 10-year  
23       contiguous harvest map for this particular area, but if  
24       you look at the area in the middle of the photograph,  
25       the white coloured area that has been cut-over within

1 the past few years.

2 My argument would be that you could lay  
3 that out somewhat better to create more diversity, to  
4 cut it out over a longer period of time than what it  
5 has been harvested. That area is alongside the Spruce  
6 River Road, the road to Armstrong.

7 Q. The next slide is slide 210, it's a  
8 clearcut to a small lake, note the rough terrain. It's  
9 north of Edmonson Lake. Any comments here?

10 A. This particular lake is also visible  
11 from the highway, particularly when you're travelling  
12 south, and it's not a large lake but aesthetically I  
13 think the situation could have been handled in a better  
14 fashion.

15 Q. Returning to that slide for a moment,  
16 would you anticipate any difficulty in regenerating  
17 this site?

18 A. It depends what you plan to  
19 regenerate it to. Because it's a fairly rocky site, as  
20 you can see, it's going to make scarifying somewhat  
21 difficult and also planting.

22 I think a situation like this would  
23 certainly be much better to try to get natural  
24 regeneration on and in fact in this area, I don't know  
25 about this particular spot, but further along the road

1       there certainly were areas where there was natural  
2       regeneration coming back in already, jack pine.

3                   Q. This is slide 314, clearcut around a  
4       small lake and to Highway 800.

5                   A. Highway 800 is the road to Armstrong  
6       and, again, it's a very small lake, very visible from  
7       the road and from the aesthetics point of view I  
8       believe the harvest cut could have been laid out  
9       better.

10                  There is a large clearcut behind it and  
11       aesthetically I would have left more area growing  
12       immediately behind the lake in the middle of the  
13       photograph, mid-background, so you didn't create that  
14       seemingly large clearcut area right in the middle of  
15       the photograph with the lake in front of it.

16                  Q. This is now slide 238, ruts,  
17       residuals and site variation evident.

18                  A. In this photograph you can see the  
19       lowland area with the ruts caused by the skidding  
20       operation within it. Going to the background area  
21       where you have more of an upland and stony area,  
22       residual white birch and some poplar scattered  
23       throughout the area. The whole area has been clearcut  
24       even though you do have differences in sites evident.

25                  Q. Now, Mr. Benson, just go back to that

1 photograph. In various of your photographs you have  
2 referred to site variation evident in the photograph.  
3 Now, why are you bringing this site variation to the  
4 Board's attention?

5 A. Well, basically there's site  
6 variation, but basically the method of harvesting the  
7 area is clearcutting for the most part, so there's not  
8 much difference in harvest method being applied to the  
9 different sites that I've seen.

10 There may be slight variations in the way  
11 that it's treated silviculturally, but they follow the  
12 same pattern, scarification and plant.

13 Q. Is that a concern with regard to  
14 large clearcut areas that you have identified as well?

15 A. I don't quite understand.

16 Q. Do you have any concern about uniform  
17 treatment of different site types within the large cuts  
18 that we have seen?

19 A. Well, I think it's just the fact that  
20 you get a fair bit of site variation within a small  
21 area and it's very difficult to treat the areas as  
22 site-specifically as you would like to. So that you're  
23 applying a single treatment to several different sites  
24 whether you want to or not.

25 And it's not really going to be the best

1 species in all the particular areas that you're  
2 planting, say if it's a large area that you're  
3 treating, it might not be the best treatment overall  
4 for the whole area because you have a variety of sites  
5 within that whole area.

6 So the treatments basically are not as  
7 site-specific as what you would ideally like them to be  
8 and perhaps it's impractical to expect that they ever  
9 will be because we do have, in some management units, a  
10 fair bit of variation within a short distance.

11 Q. Could they be more site-specific than  
12 they are, in your opinion?

20 MR. MARTEL: Is this due to what we heard  
21 previously though, that everything is viewed from  
22 site-specific situations, if you have the same harvest  
23 and the same treatment regardless.

I mean, we've heard a great deal about  
everything is looked at from a site-specific and we

1 have heard reference over and over and over again how  
2 things are dealt with on site-specific considerations.

3                   What you're saying seems to be a  
4 contradiction to that, what whether it's an upland or  
5 lowland or swampland you're in fact going in, you're  
6 clearcutting, you're scarifying if possible and  
7 treatment much the same regardless of the various  
8 conditions that are found.

9                   THE WITNESS: That's my basic impression.  
10                  Certainly I'm sure there are examples where the  
11 treatments are very site-specific, but over the areas  
12 that I looked at I can't say that they were that  
13 site-specific. They seemed more general.

14                  MADAM CHAIR: Excuse me, Mr. Benson.  
15                  Could you go over quickly the comments you just made  
16 about the reasons why you prefer natural regeneration?

17                  THE WITNESS: With the natural  
18 regeneration from the point of view of treating more  
19 site-specifically in a sense, is that by leaving trees  
20 to seed in the area naturally you're going to have a  
21 better chance I feel of getting the trees more adapted  
22 to those specific sites than what you have by trying to  
23 go in and scarify and plant it with introduced trees.

24                  MADAM CHAIR: But does that also assume a  
25 modified harvest technique?

1                   THE WITNESS: That would assume a  
2 modified harvest, right.

3                   MS. SWENARCHUK: Q. The next slide is  
4 slide 242, ruts and site variation, residual poplar and  
5 white birch and oil drum.

6                   A. I don't think --

7                   Q. What are the white areas?

8                   A. Water, water in ruts.

9                   Q. Next is slide 212, clearcut to  
10 highway, Spruce River Road, Highway 800 in the  
11 background north of Edmonson Lake. And what's the  
12 particular --

13                  MADAM CHAIR: Was that 210?

14                  MS. SWENARCHUK: 212.

15                  MADAM CHAIR: I mean, did we already see  
16 this area in slide 210?

17                  MS. SWENARCHUK: Oh. Yes, I believe it  
18 was the same area.

19                  MR. FREIDIN: Was it the same area?

20                  MS. SWENARCHUK: Slide 210 was described  
21 as clearcut to a small lake north of Edmonson Lake.  
22 This is the same general area. I don't know if it's  
23 exactly the same area.

24                  MADAM CHAIR: They look like the same  
25 boulders.

1 MS. SWENARCHUK: Q. Would you like some  
2 light, Mr. Benson?

3 A. No, it's okay. It would be the same  
4 general area, yes.

5 Q. This is now slide 218, tertiary road  
6 erosion north of Edmonson Lake.

7 A. Again, a road like this I think could  
8 be seeded in after the operation if it's not planned to  
9 be used again or to be upgraded.

10 MADAM CHAIR: Excuse me. Did you  
11 observe, Mr. Benson, in your visits to various sites  
12 that tertiary roads once regeneration work had taken  
13 place that they were generally planted or seeded?

14 A. That they were generally...?

15 MADAM CHAIR: Planted or seeded?

16 THE WITNESS: No, generally they aren't.

17 MS. SWENARCHUK: Q. This is now slide  
18 279, large clearcut with site variation and bared rock.  
19 This isn't very clear. Could you indicate the site  
20 variation on this one, Mr. Benson?

21 A. I can't see it too clear either.  
22 There is site variation however from the rock in the  
23 foreground where you do have a shallower soil and it  
24 does go back into more upland area with hardwood in the  
25 background.

1                   Q. This is 295, site variety, note the  
2 lowland area with the small stream and few residuals  
3 left beside it, natural jack pine regeneration, area  
4 was scarified with a Bracke and planted to white  
5 spruce. What are your comments on this slide?

6                   A. Well, in this particular spot we  
7 certainly didn't have to plant black spruce for  
8 regenerating the area.

9                   MADAM CHAIR: Pardon me, Mr. Benson? Did  
10 you say you didn't have to plant black spruce?

11                  THE WITNESS: Right, in order to  
12 regenerate the area because of the natural jack pine  
13 coming back in.

14                  MR. FREIDIN: It was white spruce. The  
15 evidence was it was planted to white spruce; wasn't it?

16                  THE WITNESS: Oh, I'm sorry.

17                  MS. SWENARCHUK: White spruce.

18                  THE WITNESS: Instead of being planted to  
19 white spruce, sorry.

20                  MR. CASSIDY: I apologize, Ms.  
21 Swenarchuk. I'm not sure. You said white spruce  
22 originally.

23                  MS. SWENARCHUK: It was planted to white  
24 spruce as opposed to black spruce.

25                  Q. Is that not correct, Mr. Benson, the

1 slide photograph indicates white spruce?

2 A. If it's down -- noted down there it  
3 would be white spruce, yes.

4 Q. All right. Thank you.

5 MR. CASSIDY: I'm not sure what the  
6 answer was then, in light of...

7 MS. SWENARCHUK: Q. So it was planted to  
8 white spruce and presumably your comment still  
9 applies?

10 A. What I'm saying is that with the  
11 natural jack pine coming back in, is it really  
12 necessary to plant that to white spruce, or black  
13 spruce if you like.

14 But I don't think it was necessary to  
15 plant it if you're going to be getting natural  
16 regeneration back like that.

17 MR. CASSIDY: Thank you.

18 MS. SWENARCHUK: Q. The next slide is  
19 slide 300, ruts left by disk trencher or logging.

20 A. This is immediately on the --  
21 opposite the previous slide area which would be to the  
22 east. It's just across on the other side of the road,  
23 and it is more of a lowland area as you can see and  
24 again the rutting in the area, if you like, is quite  
25 evident.

1                   Q. This is now slide 292, site variety  
2       evident and small conifer reserve areas, people are  
3       picking blueberries, planted to white spruce, area on  
4       left was disk trenched, on right it was treated with a  
5       Bracke.

6                   A. So we're looking south from the  
7       position of the other -- of the previous two slides and  
8       in this one as well as the people picking blueberries  
9       you can see the variety in the site, moving towards the  
10      upland area with more hardwood competition and a small  
11      area of residual conifer left on the left mid-section  
12      of the slide.

13                  Q. Slide 306, sign indicates the area  
14      sprayed. And this is the same area as in the slide  
15      292. What are your comments here?

16                  A. I'll just go to the other slide I  
17      think. This is the same area, you can see the sign in  
18      the middle of the photograph.

19                  It's the same area as two slides ago  
20      where the berry picking occurred, and it is a problem,  
21      it does upset people if an area like that is sprayed  
22      where you were picking berries before.

23                  In this particular area too, I'm not too  
24      sure why it was sprayed either at this time because I  
25      didn't see a great deal of competition immediately

1           south of the sign or looking south.

2                 There is certainly much more competition  
3                 up on the ridge of the hill and on the other side, but  
4                 I did walk through some of that area and I didn't see a  
5                 large amount of regeneration that made it worthwhile to  
6                 spray. I really would question the value of spraying  
7                 that particular area, and plus the impact it would have  
8                 on the public, the public's opinion of the area: Is  
9                 that the best way to treat that area.

10               Q. I believe this is slide 307, which is  
11               the same area as slides 306 and 292 according to the  
12               slide description, right, and we're moving into another  
13               unit.

14               If you could just flip back to 307 now, I  
15               have some questions arising from the text with regard  
16               to the Spruce River, and this is found beginning at  
17               page 248 of Volume II of the witness statement.

18               Now, on page 249 you comment with regard  
19               to the spruce 1 and 2 working groups that their  
20               rotation ages in the plan of 90 years, and then you  
21               comment on page 251 in the first line at the top, and  
22               reading from the previous page:

23               "Rotation ages are not justified within  
24               the management plan. For the spruce  
25               working group they appear to be too

1 low."

2 Why have you concluded that they appear  
3 to be too low?

4 A. I'm not convinced that you will have  
5 a merchantable tree of spruce at that particular time  
6 in that area from those plantations is one reason, and  
7 which would be the basic reason for the areas that  
8 they're planting trees.

9 Q. Then --

10 MR. MARTEL: Did you say - pardon me -  
11 that you didn't believe there would be?

12 THE WITNESS: I don't think it would be  
13 the best time to harvest that spruce tree after 90  
14 years. I suppose this is one foresters would argue  
15 about, when will that tree be merchantable, and I think  
16 90 years is too young.

17 Now, perhaps they have better growth  
18 figures that show, well it will be suitable at 90  
19 years. Myself, I think it's too young an age to set up  
20 for rotation time period, and I think the rotation  
21 should be longer until you can show conclusively that  
22 you can actually harvest trees at that young age.

23 MR. MARTEL: Are you talking about in  
24 general?

25 THE WITNESS: In general.

1                   MR. MARTEL: Or in respect of the Spruce  
2                   River, I mean, that's what I mean?

3                   THE WITNESS: Both.

4                   MR. MARTEL: Both.

5                   MS. SWENARCHUK: Q. But with regard to  
6                   the 90-year rotation being too low, is that comment  
7                   restricted to the Spruce River Management Unit, or is  
8                   that your view generally of the spruce working group in  
9                   the province?

10                  A. It does vary from management unit to  
11                  management unit, but there has been a tendency over the  
12                  province for rotation ages to become lower mainly for  
13                  the conifer working groups.

14                  Q. You mean within the plans?

15                  A. Within individual management plans.

16                  MR. MARTEL: Is that because the demand  
17                  is there or that we're cutting smaller trees to meet  
18                  the demand and, therefore, not getting the same volume  
19                  per hectare as we would have, let's say, on the first  
20                  cut?

21                  THE WITNESS: I am not exactly clear as  
22                  to why the rotation age has been lowered on all the  
23                  management units.

24                  I think they're being overly optimistic  
25                  in their expectations for the future and I think the

1       rotation age should be kept higher until it can be  
2       proven more conclusively that they can expect a crop at  
3       that lower rotation age.

4                     MS. SWENARCHUK: Q. Does the lower  
5       rotation age have any impact on the calculation of  
6       allowable cut?

7                     A. The lower rotation age for  
8       allowable -- all other conditions being equal and using  
9       the OWOSFOP or MAD method, it would increase the area  
10      to be harvested for the first five-year period and for  
11      a number of five-year periods after that. Presuming  
12      that you have a age-class distribution skewed to the  
13      older age-class side.

14                  Q. Now, you go on on page 251 in the  
15      third paragraph to comment that:

16                  "On this unit jack pine stands are to be  
17      regenerated to jack pine or black spruce.

18                  The conversion to black spruce is an  
19      expensive silviculture treatment for  
20      sites that could be regenerated naturally  
21      to jack pine."

22                  And what led you to that conclusion?

23                  A. Well, I did show one slide there  
24      where the area was scarified with the Bracke, was  
25      planted to white spruce but there was adequate

1 regeneration of jack pine coming back, and I have  
2 noticed other areas within that unit where jack pine  
3 has come back but they -- inbetween the planted black  
4 spruce or white spruce.

5 Q. Those are the questions for this  
6 unit. The next slide --

7 MR. MARTEL: Did you ask anyone in  
8 management why they were making that conversion from  
9 jack pine which would have regenerated naturally to  
10 black spruce?

11 THE WITNESS: No, I didn't, but I believe  
12 that this is an Abitibi licence and they prefer spruce.  
13 I don't believe they use too much jack pine in their  
14 mills in Thunder Bay.

15 MS. SWENARCHUK: Q. The next slide is  
16 328, and we're moving now to the Bright Sands unit.

17 A. This is a photograph of a satellite  
18 image. The Bright Sands unit is in the middle left of  
19 the photograph and it appears as the light green area  
20 extending from the bottom left up to the more pinkish  
21 coloured areas in the middle at the top which are the  
22 more recent cut areas.

23 Again, it shows the same cutting pattern  
24 as we have shown before which is the progressive  
25 clearcut type of pattern and, once again, I think that

1       the cut could be laid out to establish more diversity  
2       within the area than what has been established by the  
3       way that the pattern has been laid out.

4                     The area in the upper right is a Domtar  
5       licence area and immediately below that is the part of  
6       the Spruce Forest area, the Abitibi area. The lighter  
7       coloured area in the bottom right corner is a large  
8       fire area.

9                     Q. Now, Mr. Benson, you commented in the  
10      written text on this unit at page 270 that cut-overs  
11      are large and are primarily clearcut with residual  
12      poplar.

13                    You have not included in the witness  
14      statement a size estimate for the cuts here. Do you  
15      have an estimate at all of the size of the contiguous  
16      cut-overs here..

17                   A. Of this particular one?

18                   Q. Yes.

19                   A. Yeah. This was included within the  
20      Domtar/Armstrong one I believe, and on the top of page  
21      171, fourth line down it refers to an area of 50,000  
22      hectares for contiguous clearcut including adjacent  
23      licensees.

24                   Now, that 50,000 hectares would include  
25      all the pink areas that you can see running across from

1       the upper right of the photograph to the mid-section  
2       and then down including the Bright Sands unit and  
3       actually a little bit further down than what is shown  
4       on this slide, and it would also extend somewhat  
5       farther to the right than what it is shown in this  
6       particular slide, and included part of the area that is  
7       the Kiashke unit also. So it is a large area and,  
8       again, I would stress that the number is not so  
9       important as the manner in which that cut pattern is  
10      laid out.

11                   And in the Bright Sands the light green  
12      area, you can see that it's been fairly much of a  
13      continuous clearcut type of pattern. If you switch to  
14      the Domtar area more on the right side of the  
15      photograph, you can see that they have laid out more  
16      breaks within the cut-over area, but it's still forming  
17      a progressive clearcut pattern rather than trying to  
18      create more diversity within the management unit.

19                   Q. Now, what about this area? Can you  
20      indicate what this is?

21                   MR. FREIDIN: What area, I can't see.

22                   THE WITNESS: I can't really tell right  
23      at this time, but most of those dark areas would have  
24      either a stream or lake associated with them. So that  
25      what you're seeing is the dark colour and you can see

1 other lakes on the photographs, the areas that look  
2 very black are lakes.

3 When you take a look at the satellite  
4 photograph it's sometimes difficult to see whether  
5 there was a reserve or not actually left on a lake or  
6 river depending upon the width of it, but generally the  
7 darker areas would be associated with a lake, a stream  
8 and any reserve that had been left on that lake and  
9 stream.

10 MS. SWENARCHUK: Q. Can you indicate  
11 where the Kiashke Management Unit is on this map?

12 A. No, because it's immediately to the  
13 right as we look at it.

14 Q. All right, my mistake. I understand.  
15 Thank you. Okay, the next slide is slide 334, which is  
16 described as erosion in a ditch of the Graham Road.

17 A. Once again I think some work could be  
18 done to prevent that type of erosion.

19 Q. This is now slide 338, a large  
20 clearcut north of Graham?

21 A. This would be in the more southern  
22 portions of the slide of the satellite image that was  
23 shown which was an older cut-over but a large clearcut  
24 with some residual hardwoods left behind.

25 Q. This is slide 339, clearcut to a

1 small lake north of Graham.

2                   A. And considering the size of the large  
3 clearcuts that are adjacent to this area, I think there  
4 should have been more of a reserve left on the area to  
5 protect the quality of the water and the lake, whether  
6 or not it is a fisheries lake.

7                   Q. This is slide 342A described as a  
8 large scarifying machine.

9                   A. This is a form of Koehring harvester  
10 and a type of disk or cone scarifying attachment on the  
11 back. It's a fairly heavy piece of equipment and my  
12 objection to it, again, is I think it's much too heavy  
13 a treatment for the areas that are being scarified.

14                  Q. This is now slide 342B described as  
15 deep ruts left by the scarifier are evident.

16                  A. The type of scarification that this  
17 machine would produce, you don't really need that much  
18 scarification for a planting job, and if you're  
19 scarifying too deep you're really displacing the upper  
20 layer of the soil, the richer layer of the soil and  
21 putting your tree into a less fertile soil that's in  
22 effect going to slow it down during the early years.

23                  Q. The next set of photographs pertain  
24 to the Domtar/Armstrong unit.

25                  A. I think we need the tray.

1                   Q. This is now photograph No. 1, photo  
2                   of satellite imagery northeast of Armstrong, small  
3                   reserves were left and cuts are up close to or up to  
4                   some waterbodies.

5                   A. This is an area that we showed last  
6                   year where we're showing the methodology that I used  
7                   for determining the area and finding out where these  
8                   areas were from the satellite images.

9                   MR. FREIDIN: Last year or -- sorry.

10                  MR. CASSIDY: Welcome to the 90s, Mr.  
11                  Freidin.

12                  THE WITNESS: This particular area,  
13                  again, it's a continuous or progressive type of  
14                  clearcut, so that you don't have a large age difference  
15                  between the clearcut areas and the clearcuts areas are  
16                  only separated by -- if at all, by small residual  
17                  strips of timber.

18                  So I don't believe you're creating as  
19                  much diversity in the area as what you could over -- to  
20                  create diversity over the rotation of the forest being  
21                  managed.

22                  MS. SWENARCHUK: Q. This is photo No. 7,  
23                  clearcut with bare soil, few residuals left.

24                  A. I believe this area was planted also  
25                  but the soil can be bare for some time after it has

1       been harvested depending upon what the conditions are  
2       in the particular area, and with this fine sand in  
3       parts of this unit they do remain bare for a while once  
4       the vegetation has been removed from them.

5                 Q. Photo No. 8 is also described as  
6       clearcut with bare soil.

7                 A. And you can get some wind erosion.

8                 Q. This is slide 14, photo of satellite  
9       imagery southwest of Armstrong.

10                A. Now, this satellite or photograph of  
11       the satellite image is immediately to the right of the  
12       one that I showed for the Bright Sands unit, so the  
13       left side of the photograph is part of the -- extends  
14       over from that previous photograph and the Domtar unit  
15       is the -- from the foot -- about a foot in from the  
16       left side of the photograph and extends over to the  
17       right and up.

18               The area that you see in the bottom  
19       right-hand corner is the Kiashke Management Unit. Once  
20       again, it's been mainly progressive clearcutting with  
21       residual strips of timber that have been left between  
22       the clearcut areas.

23               Q. And is this area in the bottom  
24       right-hand corner the Kiashke unit?

25               A. Not exactly, don't continue as far

1 over to your right as what you did.

2 Q. Is this area in the Kiashke unit?

3 A. That's right, and the area  
4 immediately below it too.

5 Q. And what does the pattern evident in  
6 this bottom right-hand corner indicate about the  
7 harvest method used there?

8 A. The part that you can see on that is  
9 they have cut in small blocks from roughly three to  
10 five hectares in size. It's not quite evident on this  
11 photograph, but on the either side of the road, which  
12 is a white line beneath those small blocks, they did  
13 cut in a strip cut pattern.

14 Q. I know you indicated this in the  
15 witness statement. Who is the operator in the Kiashke  
16 unit?

17 A. The Gull Bay Indian Band has been  
18 operating on that. They don't -- I don't know their  
19 official title for their operating company.

20 Q. This is now slide 17, it's the ridge  
21 of I guess slide 16. The scarification on the left  
22 upper ridge, natural regeneration on right, scarified  
23 area planted to jack pine in 1989.

24 A. Well, the ridge is very steep and it  
25 shouldn't have been scarified straight up because

1           you're going to get erosion from scarifying that way.

2           Q. Did you say it should have been or  
3        should not have been?

4           A. Should not have been.

5           Q. Should not have been.

6           A. In addition, I really question  
7        whether it was necessary to scarify that area and to  
8        replant it. And I didn't see this area on the left  
9        before it was scarified or planted, but the area  
10      immediately on the right has a fair bit of natural  
11      regeneration coming back of mainly jack pine but also  
12      some spruce, even though again it was a fairly large  
13      clearcut.

14           Q. This is now slide 23, scarification  
15      probably by a disk trencher straight up the ridge  
16      creating a furrow that would be subject to erosion.

17           A. It's subject to erosion and also  
18      planting occurred in these furrows and most of the  
19      organic matter and top layer of the soil has been moved  
20      to the sides, so you're really not planting in the best  
21      part of the soil any more and it's going to be a while  
22      before you get vegetation back on that soil to protect  
23      it again.

24           Q. This is now slide 25, scarified area  
25      with garbage.

1                   A. The ridges that were scarified can be  
2       seen in the background and there was some garbage left  
3       in this area and, again, you can see that the planting  
4       that occurred in the furrows that were created by the  
5       scarifying operation and the lack of vegetation as  
6       compared to what was there before.

7                   Q. This is now slide 33, scarified in  
8       1989 with a Bracke, small lake reserve in background.

9                   A. This was scarification of an older  
10      cut-over again, which I presume is going to be planted  
11      but I would question the value of it because there was  
12      a fair bit of natural regeneration of conifer and  
13      hardwood, but I myself would question trying to go back  
14      and redisturb an area that has had regeneration  
15      established on it, perhaps not as much conifer as you  
16      would like, but it was coming back to some species.

17                  Q. This is now photo 35, tertiary road  
18      built for scarification operation with no culvert  
19      installed. And what's the problem that you see in this  
20      photograph?

21                  A. Well, eventually the road will wash  
22      out because it is on a small intermittent stream or  
23      small stream, the culvert is beside it, but -- well,  
24      it's obvious that the road is going to wash out  
25      eventually once the water builds up behind it, which it

1 was doing so on this day.

2                   Q. I have some questions on the  
3 Domtar/Armstrong unit before we move on to the next  
4 unit.

5                   Looking at page 170 of Volume II, the  
6 management unit, first of all at page 170 you've  
7 described in the paragraph numbered 3 the difference  
8 between what was in the plan and what was carried out  
9 by modified cutting.

10                  And just to summarize, that the plan  
11 called for a total of 2,818 hectares of modified  
12 cutting, the total done from the various sources of  
13 data that you received was 527 hectares.

14                  Now, have you received any explanation  
15 for this disparity?

16                  A. No I haven't really asked for any  
17 explanation of it.

18                  Q. Do you have any comment with regard  
19 to the amount of modified cutting done in the various  
20 units that you looked at?

21                  A. Well, it was -- for most units,  
22 except for the Kiashke unit, it was not obvious where  
23 modified cutting had been done; in other words, you  
24 would really have to go looking for it, and in the  
25 management plans themselves the numbers that I found in

1       the management plans indicated that there was not as  
2       much modified harvesting being done for a number of the  
3       plans as what they had planned to do.

4                   There could be logical reasons to that,  
5       but it wasn't clear to me in the plan.

6                   Q. Are you saying that you saw that in  
7       more than one unit?

8                   A. In more than one unit, right.

9                   Q. Now, on page 173 of your report  
10      you've indicated that the personnel doing the  
11      scarification - this is in paragraph No. (1):

12                  "Scarified wet area with deep ruts and  
13                  natural regeneration scarified. The  
14                  personnel doing the scarification did not  
15                  have maps of the area to be scarified."

16                  Now, how were they deciding what area to  
17      scarify?

18                  A. The operator was deciding and picking  
19      out what areas to scarify.

20                  Q. And what's your view of that  
21      procedure?

22                  A. If you want to have good scarifying  
23      you would have to have a very good operator that  
24      knew -- you would have to have a very good operator in  
25      order to ensure that the right or best areas were being

1       picked for scarification.

2                   MADAM CHAIR: Mr. Benson, if the operator  
3       who was doing the scarifying was the same operator who  
4       had harvested the area, would you be satisfied that he  
5       was in a position to make those decisions?

6                   THE WITNESS: No, I don't think there  
7       would be a direct relationship. In this case it wasn't  
8       the same either, it was a different operator.

9                   MS. SWENARCHUK: Q. Well, as a unit  
10      forester, would you be content to have people operating  
11      on the unit doing scarification without maps of the  
12      areas to be scarified?

13                  A. No.

14                  Q. How would you -- would you supervise  
15      in any way --

16                  MR. FREIDIN: Well, why don't you just  
17      ask him what he would do as opposed to telling him,  
18      which really was your suggestion.

19                  MS. SWENARCHUK: Well, I think I can  
20      phrase the question, Mr. Freidin.

21                  MR. CASSIDY: The concern here, Madam  
22      Chair, is about leading questions that's all and there  
23      has been a lot of latitude given in terms of this  
24      evidence, and my concern - shared with Mr. Freidin - is  
25      that at some point the questions cannot be so leading

1 as to wonder whose evidence it is, and that's all we  
2 are asking.

3 MADAM CHAIR: Ms. Swenarchuk --

4 MS. SWENARCHUK: I'll put my question and  
5 you can indicate to me, Madam Chair, if you find it  
6 objectionable.

7 Q. Is it your view that it's the role of  
8 the unit forester to supervise such operations, Mr.  
9 Benson?

10 A. No, the unit -- well, I'm not clear  
11 on how the organization is within the Ministry right  
12 now, who has the responsibility. If I go back to my  
13 own experience with them, it wasn't my role --

14 THE REPORTER: I'm sorry, I can't hear  
15 you.

16 THE WITNESS: Okay. I don't know at the  
17 present time what the actual responsibility of the unit  
18 forester would be. If I go by my own experience when I  
19 was with the Ministry, I wouldn't have direct  
20 responsibility for it, but I certainly would have  
21 planning responsibility for it.

22 And if I was planning for it you would  
23 want to plan to know what particular areas you want  
24 scarified and why you want them planned -- why you  
25 would want them scarified.

1 MS. SWENARCHUK: Q. Okay. Now, turning  
2 to the contiguous slides then, the next set of slides  
3 pertain to the Kiashke unit starting with slide 345.  
4 And 345 is described as a strip cut in jack pine with  
5 regenerated strip to the right.

6 A. Basically they have tried smaller  
7 cutting in the Kiashke unit than what you normally see  
8 and have used a variety of natural and artificial  
9 regeneration methods on their areas.

10 Q. And this slide is 346, strip cutting  
11 jack pine and regenerated strip of jack pine. Any  
12 further comments, Mr. Benson?

13 A. No, the only problem -- well, yes, I  
14 do have comment. I think I would have waited longer  
15 before I cut the second strip in this particular case.

16 MR. MARTEL: How tall are those trees in  
17 the background just behind the, I guess that's a birch.

18 THE WITNESS: I don't know the exact age.  
19 I would think that they are probably no older than 12  
20 years and perhaps as young as seven years old.

21 MS. SWENARCHUK: Mr. Martel, did you ask  
22 how tall they are?

23 MR. MARTEL: Yes. I was looking for --

24 THE WITNESS: Oh, I'm sorry --

25 MR. FREIDIN: How old.

1 MS. SWENARCHUK: Was the question how old  
2 or how tall?

3 MR. MARTEL: No, I think I said how high,  
4 I meant to. I was wondering, when you said they didn't  
5 wait long enough, I was wondering at what height you  
6 would go back and do the second cut.

7 That appears to me - maybe I am wrong -  
8 but those trees in the background just behind the birch  
9 don't appear to be that high. I'm wondering if we're  
10 talking about one cut, two cuts, three cuts because  
11 there then seems to be a ridge with trees behind as  
12 well out of the picture.

13 THE WITNESS: Right. They've changed  
14 their methodology over the years. And the first strip  
15 they cut there was very narrow and, as you can see,  
16 it's got a fair bit of regeneration on it.

17 Now, why -- they didn't really stick to  
18 their original plan, so when that they come back and  
19 made the second cut, they've cut a wider strip and  
20 they're probably going to have to seed that or plant it  
21 to get regeneration back on it.

22 If they had stuck to their original plan  
23 I believe they would have cut a more narrow strip the  
24 second time around and allowed natural regeneration to  
25 come back on that too.

1                   And the last strip, which would be a  
2 three-coupe type of system, would have been cut at a  
3 time when there would have been seeds available from  
4 that regenerating strip that is visible in the middle  
5 of the photograph.

6                   MS. SWENARCHUK: Q. Now, Mr. Benson, do  
7 you know approximately how tall the trees were in this  
8 strip?

9                   A. I'm just trying to remember. They  
10 would be between seven to 10 feet in height.

11                  Q. This is now photo 351 described as a  
12 block cut in jack pine with residual poplar, no conifer  
13 regeneration has occurred. Do you have comments, Mr.  
14 Benson?

15                  A. This is one of the block areas that  
16 was three to five hectares that there's been a second  
17 cut occur there, and generally what they have been  
18 doing with their smaller blocks there, I wouldn't have  
19 cut it quite so soon, I would have waited a bit more to  
20 try to get natural regeneration coming back into it  
21 than what they did.

22                  Q. This is photo 353, smaller block cut  
23 than in previous photo in jack pine with planted  
24 conifers. Any comments on this one?

25                  A. No.

1                   Q. I have no questions from the text.

2         Can we move then to the next slide, which is slide 516  
3         described as block cuts at Hinton, Alberta.

4                   And could you indicate for the Board why  
5         you have included this slide?

6                   A. I've been to Hinton a few times and I  
7         have always been impressed with them, they seem to be a  
8         bit further ahead in their management than what we are.

9                   They have developed a system of block  
10        cuts. Again, they faced the problem - and they haven't  
11        quite solved it yet - of: Well, how long should we  
12        leave between the different blocks before you harvest  
13        the next one and have adequate regeneration or have  
14        adequate diversity established for the management unit,  
15        but operationally they have been able to go to smaller  
16        block cuts.

17                  And you can see the age differences  
18        between the blocks there. The difference in colour  
19        green within those blocks would indicate that there is  
20        a difference in age between when the areas were  
21        harvested.

22                  The advantage they have over some of our  
23        areas is, is that they do get fairly good regeneration  
24        coming back and their yields per hectare are somewhat  
25        higher than what ours are.

1                   Q. This is slide 515, which is also  
2 block cuts at Hinton, Alberta.

3                   A. They've tried different patterns  
4 whether it be a formatted pattern like this or the more  
5 regular pattern that was shown in the previous slide.

6                   MADAM CHAIR: Excuse me, Mr. Benson. Who  
7 is they? Is this a private company doing this work?

8                   THE WITNESS: I'm sorry, I didn't get.

9                   MADAM CHAIR: Who is doing the work in  
10 Hinton, Alberta?

11                  THE WITNESS: It is a private company.  
12 They have the mill in Hinton and it's company with the  
13 forest management -- equivalent to a forest management  
14 agreement with the Alberta government. I would give  
15 you the name, but that company has changed hands  
16 several times. I'm not too sure what their present  
17 name is.

18                  MS. SWENARCHUK: Q. Okay. The last set  
19 of photographs that we will look at pertain to the  
20 Temagami unit and the first one I believe is photograph  
21 443 described as a photo of the satellite image.

22                  A. Probably it would be best if I  
23 pointed out some features directly on the screen.

24                  This is the Ottawa River going up to Lake  
25 Timiskaming. (indicating) Lake Temagami is this lake

1 here. The Town of Temagami is located at the end of  
2 this arm of Lake Temagami. The Sherman mine site and  
3 the debris from it indicated by this bluish coloured  
4 area.

5 Obabika Lake is this lake to the left of  
6 Lake Temagami. (indicating) Old growth pine area that  
7 caused a great deal of controversy, the red pine area  
8 is this area here. (indicating) The old growth white  
9 pine area that has caused all the controversy is north  
10 of Obabika Lake and somewhat extends west from Obabika  
11 Lake.

12 The Red Squirrel Road area includes this  
13 pinkish coloured area. The road runs through that and  
14 extends further over into what we see, district lumber  
15 road coming down from the north.

16 The areas we will be showing on the other  
17 slides include some of the area along the Red Squirrel  
18 Road to the west of Temagami and the Obabika Lake area  
19 and Cross Lake area, Cross Lake being the lake to the  
20 southeast of the Temagami Lake.

21 Q. The next slide is slide 446 which is  
22 another satellite image of the area.

23 A. Which is just an enlargement of the  
24 area immediately north of Lake Temagami. Again you can  
25 see the dark blue area from the Sherman mine and some

1 of my slides will deal with the pinkish areas to the  
2 northwest of that blue area.

3 Q. Now, this is slide 493. This is the  
4 Red Squirrel Road, the plantation, mounding caused by  
5 bulldozer to clear the site for planting, growth of  
6 hardwood is better on the mounds formed, plantation  
7 still shows bare soil, clearcut to the small lake, and  
8 site variety is evident.

9 A. This area had been cut-over several  
10 times and the last time mainly for hardwoods at which  
11 time it was bladed and planted. I don't agree with  
12 that type of scarification work because it does remove  
13 some of the top soil and put it in those ridge lines  
14 that you can see is the dark lines running through the  
15 area.

16 In effect you're setting back or  
17 depositing the fertility of the soil in one spot and  
18 then you're planting the trees in an area with a  
19 reduced fertility.

20 Q. And the next slide is photo 495, the  
21 Red Squirrel Road, water up to the road indicates a  
22 culvert is necessary, Astin Township area. Slide 501,  
23 clearcut to a small lake by Briggs Township area.

24 A. The terrain in the Temagami area is  
25 fairly rough and rocky, so you do get more rapid

1 changes in site than what you might in some other  
2 management units and the species involved are somewhat  
3 different.

4 Clearcutting, I think it's been  
5 unfortunate that it has occurred so widely in that unit  
6 because it has created some of the problem that -- or  
7 exacerbated some of the problems that exist there now.

8 Plus the harvesting to small lakes,  
9 whether it's visible to the majority of the public or  
10 whether it's a fishing lake or not, that area is highly  
11 visible certainly in the minds of people and I would  
12 think logic would indicate that you wouldn't want to be  
13 harvesting lakes in an area that has that much interest  
14 involved in it.

15 Q. Now, this is photo 502 which is  
16 described as the shoreline reserve showing regeneration  
17 to poplar behind the reserve.

18 I would like you to explain fully for the  
19 Board, Mr. Benson, what this shoreline reserve is, how  
20 long it's been there, and then what this photograph  
21 indicates? What is the Temagami shoreline reserve  
22 first of all?

23 A. The Temagami shoreline reserve or  
24 skyline reserve is a reserve established around the  
25 lake with the idea that when you're out on the lake and

1 look towards the shore that you would see standing  
2 timber.

3 So the idea would be to leave timber  
4 within the line of sight from the lake. So if you had  
5 a flat area right adjacent to the lake, it would  
6 require leaving more timber, and if there was a hill  
7 visible in the background, you would have to leave  
8 standing timber on that hill. That was the general  
9 concept behind the skyline reserve.

10 I'm not sure of the exact year when the  
11 skyline was established, but it was certainly there in  
12 the 50s if not before that time.

13 And what has happened in this particular  
14 case, Lake Temagami is somewhat different than most  
15 lakes too because the cottages are on the islands in  
16 the lake rather than on the shoreline of the lake, so  
17 that the shoreline of the lake is visible from the  
18 cottages too as well as from the lake itself.

19 So the skyline reserve was an important  
20 feature aesthetically in that area and was established  
21 for that reason, because of the pressure of the  
22 cottagers and fishermen using that lake.

23 The cutting that has occurred I think you  
24 can see fairly clearly in this particular photograph  
25 with -- there's white pine and other species alongside

1       the lake, but in the cut-over area the regeneration in  
2       that cut area has been mainly back to hardwoods, not to  
3       the conifers that were there previously.

4                   Q. And where on the photograph is the  
5       regenerated cut-over area?

6                   A. The bottom half portion of the  
7       photograph. You can almost see a line running across  
8       the middle of the photograph and it takes a slight down  
9       curve on the left of the photograph.

10                  MR. MARTEL: Is that all natural  
11       regeneration?

12                  THE WITNESS: As far as I know in this  
13       particular case that is all natural hardwood  
14       regeneration that has come back in that particular  
15       area, yes.

16                  The problem with some of these cut-over  
17       areas they have been cut-over a number of years so it  
18       wasn't just one clearcut, it's been a matter of going  
19       in once taking out the best pine, maybe going back the  
20       second time taking out the best pine, and finally going  
21       back and taking out the hardwoods over a number of  
22       years.

23                  So the area really hasn't had a very good  
24       chance to regenerate back to conifers, so it's been  
25       worked against rather than worked for.

1                   MR. MARTEL: Would there not have been  
2                   natural regeneration? The thing that I'm finding  
3                   confusing is, would there not be some natural  
4                   regeneration which would have occurred after, you know,  
5                   you went in and you did your first cut of pine and the  
6                   second cut, there doesn't seem to be much natural  
7                   regeneration to that species.

8                   THE WITNESS: No. I think part of it is  
9                   because the area has been cut more than once, so you've  
10                  gone back in and disturbed the site again and perhaps  
11                  destroyed the conifer regeneration that was coming out,  
12                  taken out the remaining conifer, so they don't have a  
13                  chance to regenerate again, and then perhaps gone in a  
14                  third time and cut out more or a different species and  
15                  lessened the chances of the conifer regeneration coming  
16                  back again.

17                  Again, the amount of conifer regeneration  
18                  you can expect is going to vary on the site of the area  
19                  and I think I have a couple of slides here that will  
20                  illustrate that.

21                  MS. SWENARCHUK: Q. This is now slide  
22                  474, large clearcut area for hardwoods in the same area  
23                  as slide 478 - which we're not looking at - a great  
24                  deal of poplar regeneration, clearcut to small lake.

25                  A. This is along the Red Squirrel Road

1 area and has been harvested a number of times for the  
2 pine and finally for the hardwood and other conifer on  
3 the area.

4 It's a fairly large area, not as large as  
5 what is in other management units, but again, because  
6 this unit is so visible, it's much too large an area  
7 for aesthetics purposes let alone from the point of  
8 view of creating the diversity and protecting the  
9 environmental features of the area.

10 Again, you can see a fair bit of site  
11 variety in an area like that ranging from the ridges to  
12 the lowland areas, but it basically is one large  
13 clearcut.

14 And this particular area was scarified  
15 and planted to jack pine, whether that's good or bad is  
16 hard to say because at least it's being regenerated.  
17 There has been quite a problem at Temagami where they  
18 haven't really been regenerating the areas and starting  
19 to establish some conifer back in the area is a step in  
20 the right direction.

21 MS. SWENARCHUK: I think we could stop  
22 there for the noon break, Madam Chair.

23 MADAM CHAIR: All right. We will take  
24 our lunch break now and we'll be back at 1:30.

25 How much longer will you be, Ms.

1           Swenarchuk?

2                   MS. SWENARCHUK: Probably most of the  
3                   afternoon, but not beyond that.

4                   MADAM CHAIR: Will Mr. Hanna be starting  
5                   his cross-examination, or will you take until four  
6                   o'clock?

7                   MS. SWENARCHUK: He may well start it  
8                   this afternoon.

9                   MADAM CHAIR: Okay. We will be back at  
10                  1:30.

11                  ---Luncheon recess taken at 12:00 p.m.

12                  ---On resuming at 1:30 p.m.

13                  MADAM CHAIR: Please be seated.

14                  MS. SWENARCHUK: Q. I believe we  
15                  completed slide 474 before lunch and the next slide  
16                  then will be 477 described as clearcut area for  
17                  hardwoods after pine had been removed in the year  
18                  before, a great deal of poplar regeneration, small area  
19                  planted to red pine, Red Squirrel Road area, site was  
20                  windrowed, a bulldozer was used to push brush and some  
21                  topsoil to the sides of planted area.

22                  Any comments on this slide?

23                  A. This type of regeneration doesn't  
24                  occur too often, and the patches where very little  
25                  artificial regeneration occurred there there probably

1 should have been more considering the past history and  
2 that that did occur was really insufficient and in  
3 small patches such as this, and the windrowing, the  
4 pushing aside of debris and some of the topsoil to the  
5 side, can be detrimental to the height.

6 MADAM CHAIR: Excuse me, Mr. Benson.

7 That looks like a fairly healthy regenerating area;  
8 doesn't it?

9 THE WITNESS: Yes, it is. It's -- I said  
10 it can be detrimental to the height, it doesn't appear  
11 here, but some of these areas that you see you can  
12 detect a noticeable difference in height of trees from  
13 the centre to the side of the windrow where the trees  
14 have become taller when they get by the windrow where  
15 you have more nutrients.

16 It's not evident in this particular case,  
17 but it's not a site preparation method that I would  
18 recommend.

19 MS. SWENARCHUK: Q. This is slide 478,  
20 clearcut area for hardwoods after pine had been removed  
21 years before, a great deal of poplar regeneration, area  
22 planted to white pine, Red Squirrel Road area, site was  
23 windrowed to bedrock in spots, poor growth of young  
24 white pine in an open area is evident.

25 A. This is immediately adjacent to the

1 previous slide area for the red pine, and with the  
2 white pine response when you try to plant it in open  
3 areas is not as good as what it is for red pine, and  
4 it's fairly obvious there the white pine with the brown  
5 tops that have suffered, height growth is not adequate  
6 enough.

7                   The windrowing effect, you can see where  
8 the bedrock has been bared at the top of this slide by  
9 the windrowing.

10                  Q. This is slide 507, road sunk in swamp  
11 area, new section of Red Squirrel Road.

12                  A. This is a section of the road that  
13 was subject of a lot of controversy. It's a fairly  
14 well built road for the main part, better built than  
15 most forest access roads I have seen, except for this  
16 part that sunk into the swamp.

17                  It's interesting from the point of view  
18 that the government was satisfied that they completed  
19 the road by the date they had planned to, and the  
20 Indians were satisfied because they considered this  
21 showed that it wasn't complete because you couldn't  
22 drive over it. So I think both sides won some sort of  
23 victory over this particular part of the road.

24                  Q. This is slide 509, section of the  
25 road blockaded by the Bear Island Band in 1989. The

1 road goes close to the lake and over a portage in this  
2 area, new section of Red Squirrel Road.

3                   A. And it was also interesting, this  
4 area too, because the Band was asked whether they were  
5 going to clean up the particular area. They had some  
6 firewood down there and some tent platforms where they  
7 had camped out for their blockade of the road, and it's  
8 interesting their response because they felt that it  
9 was a historical site now rather than -- I suppose the  
10 Ministry thought it was garbage on the area.

11                  But I guess it's a way that you view the  
12 area, the way you view the resource: What value do you  
13 think it has. And it's difficult then for the Ministry  
14 or anyone without really dealing with all of the people  
15 involved to come to an appreciation of just what are  
16 the real values for a management unit.

17                  Q. This is slide 445, photo of a  
18 satellite image.

19                  A. This is just an enlargement of Lake  
20 Temagami itself and be just dealing with some of the  
21 areas around Lake Temagami and Obabika Lake on the  
22 narrow lake on the left side of the photograph in Delhi  
23 Township.

24                  Q. This is slide 481, Bogt - that's  
25 B-o-g-t - and Phyllis Township area, clearcut to

1       wetland areas and small lakes, some small reserves on  
2       lakes and rivers but generally very sparse.

3                   A. Again, an area like this has been cut  
4       several times.

5                   Q. I believe this is 485, clearcut of  
6       white pine by Obabika Lake, Delhi Township.

7                   A. The familiar pattern of cutting was  
8       occurring here with lakeshore reserve being left and  
9       the taking out of the hardwoods, or the conifers  
10      rather, the taking out of the conifers from the forest  
11      and red. At the present time most of the hardwoods are  
12      being left behind.

13                  Again, it's a smaller type of clearcut  
14       than is obvious in some of the other management units  
15       but it's not really the most favourable for  
16       regenerating the white pine back to the area.

17                  MADAM CHAIR: Excuse me, Mr. Benson. In  
18       that photograph was that the end of the clearcut, they  
19       were finished cutting?

20                  THE WITNESS: I believe they planned to  
21       cut some more there, but the cutting operations are  
22       just shifting around quite a bit a bit and they  
23       certainly aren't cutting in Delhi Township now, so...

24                  MADAM CHAIR: Would you say that's a  
25       fairly small clearcut?

1                   THE WITNESS: That's a fairly small  
2 clearcut, yes.

3                   MS. SWENARCHUK: Q. This is slide 456,  
4 thin skyline reserve on the right not cut as close to  
5 the lake as on the left in Yates Township.

6                   A. Some of the shoreline reserve has  
7 been picked away at and is getting a little thin in  
8 spots.

9                   Q. This is slide 449, small white pine  
10 surrounded by heavy hardwood competition, Cross Lake  
11 area.

12                  A. In these areas that have been  
13 harvested a number of times you have regeneration  
14 coming back, a lot of different brush species. Down by  
15 his foot there is a white pine coming back in an area  
16 like that, but I would say it's chances of getting  
17 through all that competition are going to be very  
18 remote indeed.

19                  Q. Slide 497, old cut-over area with  
20 residual and regenerated poplar plus some spruce  
21 residual.

22                  A. Although some of the cuts were small  
23 as I showed for Delhi Township, the overall effect  
24 again if you don't lay them out in some type of  
25 developmental pattern can develop into one rather large

1 contiguous clearcut or this is mixture of clearcut and  
2 partial cuts.

3 Q. What's the problem with that practice  
4 in your view, Mr. Benson?

5 A. Well, the regeneration you're getting  
6 is not the regeneration you want; you're getting mainly  
7 hardwood regeneration coming back or balsam fir  
8 regeneration.

9 Q. Slide 452, red and white pine natural  
10 regeneration in Bogt Township adjacent to mature trees.

11 A. In this case there was a selection  
12 type of cut, shelterwood type of cut that occurred and  
13 you did get adequate regeneration of pine coming back  
14 in an area like that both white and red pine.

15 So by removing a certain portion of the  
16 mature crop in an area such as this, you were able to  
17 get regeneration of the desired species back on that  
18 area.

19 MR. MARTEL: If you came back and started  
20 to cut what was remaining of those others, would you  
21 damage the small new pine such that you would end up  
22 with primarily hardwood. If you were going to try and  
23 take those large pine out, what would happen to the  
24 young regenerated pine?

25 THE WITNESS: You would damage some of

1       them. It depends how you control the operation and  
2       certainly if you ran a skidder back and forth across  
3       the area you would damage them. Sometimes we would  
4       operate in the wintertime to minimize damage to a site  
5       like that.

6                   I wouldn't cut that area at this time  
7       though still, I would let that regeneration develop  
8       more and wait until it's 20 to 30 feet high before I  
9       would go back in and cut the remaining trees.

10                  And how many of the remaining trees that  
11      you would harvest would depend upon the density of the  
12      stand coming up. You wouldn't want to clear too large  
13      a patch of the remaining trees and allow the hardwood  
14      to come back into that area.

15                  MS. SWENARCHUK: Q. The last slide is  
16      slide 459 which is an old harvest clearcut area behind  
17      the thin shoreline reserve of photo 456, mainly  
18      hardwood and shrub have regenerated in the clearcut  
19      while white pine is regenerating within the reserve  
20      area.

21                  A. And you can see one white pine right  
22      on the right foreground that has regenerated right by  
23      the shoreline reserve.

24                  The shelterwood system does work for  
25      white and red pine much better on the poorer sites than

1       on the richer sites, but clearcutting certainly does  
2       not work when regenerating white and red pine and it's  
3       well illustrated by the Temagami area.

4                     Q. Before you continue discussing the  
5       Temagami area, Mr. Benson, just possibly an opportune  
6       moment to ask you briefly about one of the outstanding  
7       issues from FFT's silvicultural prescriptions in our  
8       terms and conditions, and that is the prescription on  
9       page 17 of Exhibit 1610 and it's very brief, I'll read  
10      it.

11                  It's term and condition No. 51(d) which  
12      specifies that:

13                  "For white pine the uniform shelterwood  
14      method shall be utilized."

15                  And then paragraph (e) immediately  
16      following:

17                  "For red pine the uniform shelterwood  
18      method shall be utilized and planting  
19      may be carried out on some sites."

20                  Did you have a hand in writing those  
21      prescriptions?

22                  A. Yes, I did.

23                  Q. And what, in your view, is the  
24      rationale for prescribing the shelterwood method for  
25      red and white pine?

1                   A. The rationale basically because it  
2       works better than the other methods that have been  
3       tried and used.

4                   Q. Now, looking at the chapter in your  
5       witness statement on the Temagami area, Temagami Crown  
6       Unit which begins at page 333, Volume II.

7                   MR. FREIDIN: What page?

8                   MS. SWENARCHUK: 333.

9                   MR. FREIDIN: Thank you.

10                  MS. SWENARCHUK: Q. Can I ask you first,  
11       Mr. Benson, to indicate for the Board the basis of your  
12       knowledge of the Temagami unit?

13                  A. My knowledge of the management of  
14       that unit or involvement in it began in 1974 with the  
15       Ministry of Natural Resources because one of the  
16       management units that I was looking after in that  
17       particular year is now part of the southern part of the  
18       new Temagami Management Unit, that was the old Martin  
19       River Management Unit.

20                  Q. I think you'll have to speak up, Mr.  
21       Benson.

22                  A. Then in 1975 I did work for the  
23       regional office of the Ministry of Natural Resources in  
24       Sudbury looking at the amount of pine available in the  
25       Temagami District. In 1981-82 I did a report for the

1 Teme-augami Anishnabai looking at the management for  
2 their land claim area, looking at the Ministry  
3 management of their land claim area.

4 And again in 1989 in collaboration with  
5 three of my colleagues at the university, we looked at  
6 the management of the same land claim area since the  
7 1982 report.

8 And currently the university is working  
9 on a report for the Bear Island Band looking at the  
10 management of the other units in the land claim area,  
11 and they're doing that work under my supervision.

12 Q. And was the 1989 report the report  
13 included in the source book entitled: The Need for a  
14 Land Stewardship, Holistic Resource Management Plan for  
15 N'Daki Menan by Benson, Cumming, Acrobald and Carmine?

16 A. Correct.

17 Q. And would you then please summarize  
18 for the Board, Mr. Benson, the issues of importance in  
19 your view related to the Temagami unit?

20 A. Yes. I think the Temagami Management  
21 Unit is interesting because of the variety and  
22 conflicting uses that surface, have surfaced there over  
23 the years and various attempts that have gone on to win  
24 control or battle for control of the forest.

25 The problem I think to solve it, I've

1       noted on page 335 of the second document, last sentence  
2       of that first paragraph where I stated:

3                 "If sustained yield and sustainable  
4                 development is to occur it requires the  
5                 administrator of the resources to  
6                 exercise control and allocate the use of  
7                 the resources at levels that can be  
8                 sustained."

9                 And the problem with Temagami is that  
10          those levels that can be sustained have not been  
11          determined nor allocated, and one of the fundamental  
12          resources, the first determination is the allowable  
13          cut.

14                 If you're not managing the timber, a lot  
15          of the other resources hinge upon the fate of the  
16          timber resource, so if you have good management of the  
17          timber resource, you are in effect managing the other  
18          resources at the same time even by default.

19                 The allowable cut that has or is being  
20          used in the Temagami Management Unit at the present  
21          time is based upon the OWOSFOP method and suffers from  
22          the same features as other plans do that use that  
23          particular method, in that it has a declining area in  
24          volume to be cut over time and that can be illustrated  
25          on pages 424 and 425 of Appendix 4 of Part II of the

1 witness statement.

2 And on page 424 the extreme right column  
3 indicates the five-year MAD allowable cut calculation  
4 and it reads as 736.

5 Q. Where exactly is that figure?

6 A. That's at the top of the row, the  
7 extreme right column. The heading for the column is  
8 Actual MAD Cut.

9 Q. Fine.

10 A. And you can see that the area  
11 declines over time and then begins to rise again. It  
12 declines down to 570 hectares about 90 to 95 years in  
13 the future.

14 And similarly the volume shows the same  
15 type of decline and that's on page 425, the extreme  
16 right column under the heading Total where it's showing  
17 the volume from the allocation, and again it's a  
18 five-year figure, so it declines from under 119,000  
19 down to 92.9 thousand to 95 years -- sorry, 95 years.  
20 95 years?

21 Q. 98.

22 A. In addition to showing the declining  
23 area in volume, it would also entail cutting in  
24 age-classes below rotation age, and that is illustrated  
25 on -- well, page 425 where the volume looking at other

1       columns in that table you can see that in 95 years  
2       harvesting is beginning in the 81-100 year age-class.

3                   So the first point is it shows the  
4       decline in area and volume; and, secondly, you'll be  
5       getting the harvest in age-classes below rotation age.

6                   There's also a problem that the - this  
7       was mentioned before too - that for the volume that's  
8       been calculated with this MAD calculation - this is a  
9       Ministry MAD calculation, calculating and predicting  
10      the volume - the yearly figure works out to be 23,933  
11      cubic metres if my division is correct, by five, and  
12      that's the allowable cut volume figure figured out by  
13      working it out for the working group.

14                  When it comes to the actual allocation  
15      volume that's indicated on page 441, which is from the  
16      1990-92 interim management plan, and on that page the  
17      allowable cut figure is different for volume because  
18      it's based upon the volume that's going to come from  
19      the different working groups.

20                  And the total figure for the white pine  
21      working group is in the third column from the left  
22      under the heading of Pw and it reads 56,399 I believe.  
23      That's for a two-year harvest, so dividing that by two  
24      I obtained a figure of 28,197 cubic metres per year.

25                  And it indicates part of the problems

1 before. We have the OWOSFOP calculation of 23,000  
2 thousand cubic metres per year, when you put it  
3 together for the working groups, what pine comes from  
4 the working groups it works out to 28,000 cubic metres  
5 per year.

6 It indicates that problem of predicting  
7 what is the allowable cut for an area. It also  
8 indicates that other problem as illustrated by the  
9 graph on page 364 that indicates where your total  
10 volume of pine comes from.

11 MR. FREIDIN: I'm sorry, which page are  
12 you on, Mr. Benson?

13 THE WITNESS: 364.

14 MR. FREIDIN: Thank you.

15 THE WITNESS: And what that graph  
16 indicates is the total volume, the volume of white pine  
17 from other working groups and the white pine from the  
18 white pine working group.

19 Now, the problem being there that if  
20 you're basing your allowable cut the way it's worked  
21 out now you can expect a declining volume just because  
22 of the white pine that you're relying on from other  
23 working groups, this is in addition to the OWOSFOP  
24 calculation itself.

25 Unless you regenerate white pine in those

1 other working groups, you're not going to have that  
2 white pine in the future for your allowable cut.

3 MS. SWENARCHUK: Q. To your knowledge,  
4 is the white pine in the other working groups being  
5 regenerated?

6 A. Under the latest interim plan, the  
7 plan doesn't state directly that they are doing that.  
8 At this time they don't state that, no.

9 An indication, when you go back to page  
10 441 and the forecasted volume estimated from the  
11 allocated areas, where you see the breakdown of the  
12 volumes of white pine and the other species from the  
13 various working groups, you can see that total two-year  
14 allocation of 56,000 that only 13,000 of that comes  
15 directly from the white pine working group.

16 And if you're looking at the long-term  
17 sustainable yield for that area for white pine, which  
18 is an important species for that area, you have to take  
19 into account where that white pine is coming from and  
20 where you're going to regenerate it and how much you're  
21 going to have of it in the future.

22 It really boils down to two situations:  
23 First, I think the solution to it is first to break it  
24 down to the white pine that you're going to obtain from  
25 the areas you manage for white pine; and, secondly, how

1 are you going to treat the white pine on the remaining  
2 areas. That second part of the question has not really  
3 been addressed in the management plan, but it's an  
4 important part of sustaining the yield of white pine.

5                   And the third point on the allowable cut,  
6 again, this was brought out in Panel 1, but it has to  
7 do with if you don't use the volume figures for the  
8 type of product that you consider important, or that is  
9 important it's going to give you different results  
10 because the figures used by the Ministry are not  
11 related to the sawlog volumes which is the main end  
12 product that you're trying to grow from white pine, and  
13 a more realistic allowable cut would be based on the  
14 sawlog volumes if they hope to sustain some type of  
15 sawlog industry from that management unit.

16                   So the allowable cut part of the plan  
17 reflects some of the problems that we find with a  
18 number of management units across the province.

19                   Another interesting point of the  
20 management plan - and it's really the only one I have  
21 because I've worked with that plan for so long and  
22 there's been as many different people working on the  
23 plan and pulling together information - but I have a  
24 better sense of how that area has developed than for  
25 most other management units, and it has to do with wood

1 allocation, how is the wood allocated on an area like  
2 that.

3 The basic objective of the 1990-92  
4 interim management plan indicates a sustained yield is  
5 to be practiced and that's indicated on page 342  
6 immediately below the chapter heading Wood Allocation.

7 So even though it's a Crown management  
8 unit and is not really required to be managed on a  
9 sustained yield basis, they have stated that they are  
10 managing it or plan to manage it on a sustained yield  
11 basis.

12 And similarly the 1980-2000 plan also  
13 stated it was to be for sustained yield management and  
14 that's on page 346, the second paragraph. And earlier  
15 in the history of this management unit it was part of  
16 the Temagami Forest reserve that was created in 1901  
17 and a statement for that forest reserve in 1904 is on  
18 the bottom of page 343, and that statement indicates  
19 that the area was to be managed on a sustained yield  
20 basis.

21 Inbetween the 1904 and the 1980-1990  
22 plans there was a 1958-78 management plan and it  
23 noted - this is on page 345 - it noted the way that the  
24 white pine, red pine and white spruce were going to be  
25 cut, and they were going to be with a liquidation type

1       of cut, as is stated there, liquidated in the sense  
2       that the older timber was to be harvested and it was to  
3       be regenerated, in fact they hoped to regenerate more  
4       of the hardwoods areas then to white pine, but the  
5       basic objective was to get -- liquidate the older  
6       growth.

7                   And the plan does note or did note that  
8       when that is harvested the local mills will be forced  
9       to convert to other species end products such as jack  
10      pine and hardwood species or go out of business.  
11      So it's really a straightforward plan that way. That  
12      particular part seemed to have got lost later on.

13                  So the first documented allocation that I  
14      have or that I'm aware of is that 1958-78 plan where  
15      the allocations were based on upon liquidating the  
16      older growth white pine, red pine and spruce, so  
17      that...

18                  MR. MARTEL: Well, with that in mind  
19      then, why does it become such a shock that you're  
20      cutting back. If they knew and had planned for this  
21      sort of inevitability, why is it such a shock that  
22      you're having to cut or close mills in 1990 or '89?

23                  THE WITNESS: I don't know. It shouldn't  
24      be a shock, that was the point, but it's an obvious...

25                  MR. MARTEL: Well, has too much focus

1       been put on the road and not enough focus on what in  
2       fact was happening and what was planned for?

3                 I must say when I read this I was taken  
4       aback because most of the focus has been on the road,  
5       and the real issue has escaped everyone's attention,  
6       and that is that it would appear as though MNR was  
7       planning to phase this out in conjunction with the  
8       Industry years ago.

9                 Now, maybe I misread it, but clearly that  
10      is the conclusion I drew.

11                 THE WITNESS: The only problem would be  
12      that possibly the Industry was not aware of this  
13      statement because at that time management plans were  
14      not public documents, so whether they were aware of  
15      that or not I don't know, but certainly it's been made  
16      public since 1980.

17                 But I agree with you, it seems fairly  
18      obvious to me but it's just more difficult to live up  
19      to and appreciate what has happened.

20                 In any case, that first allocation was  
21      based upon the liquidation of the older growth. And  
22      then in 1980-2000 -- the 1980-2000 management plan, in  
23      the fourth paragraph --

24                 MS. SWENARCHUK: Q. Of what page?

25                 A. 348, where it states that -- actually

1       this is for the 1990-92 period, but it states that the  
2       allowable cut or the commitment to the different  
3       industries is to be based upon the historical  
4       situation, which in turn was based upon the over  
5       allocation if you like or the harvesting of the  
6       overmature trees, the liquidation cut.

7                   And I guess what has happened there is  
8       that the original cut has been passed off from plan to  
9       plan or at least part of it, the historical commitment,  
10      whatever that was - but it seems to have been based on  
11      the liquidation cut - has been passed on to the  
12      succeeding plans, and the liquidation cut, based on  
13      liquidating the forest, is too high to start with to  
14      sustain in the long run, so it's sort of a ridiculous  
15      situation in a way, it's something that cannot be  
16      maintained in the long run.

17                  Q. Now, Mr. Benson, on page 346 in the  
18       witness statement the last sentence of the third  
19       paragraph says:

20                  "The past high allocations of white pine  
21               in order to liquidate it have been  
22               transferred to the present."

23                  The last sentence of the third paragraph.

24                  A. Correct. Right, that's basically  
25       what the problem has been, and it's been based upon an

1 historical allocation rather than an allocation based  
2 upon what can the management unit sustain in the long  
3 run, and it's difficult to rationalize that.

4 MADAM CHAIR: Excuse me, Mr. Benson. Has  
5 that level of sustainable yield been determined through  
6 means other than the OWOSFOP modeling?

7 THE WITNESS: I determined one level for  
8 it for the Indian Band, I don't believe I included it  
9 in this. I would want to do more work on it before I  
10 determined a real level that you could use.

11 I was using it more as an illustration of  
12 what could be determined, but it could be determined  
13 for that unit. It hasn't been so far.

14 In addition to the historic allocation,  
15 overcutting of white pine was allowed and that's  
16 indicated on pages 347 to 348, and there is two quotes  
17 that I've included there where in the first quote on  
18 the bottom of page 347, the essence of that quote is  
19 that the allocations were changed and this had to do  
20 with -- the reasons they outlined above had to do with  
21 the areas that were being contested by different  
22 interest groups, so they had to allocate different  
23 areas, and as a result the companies were harvesting  
24 stands with greater white and red pine volumes than  
25 those originally planned and such adjustments will be

1 controlled in the future.

2                   The problem I had with that is, is that  
3 those are things you can control fairly readily. You  
4 usually know each year what volume has been harvested,  
5 and if you can compare that to how much you planned to  
6 cut, it's something you can control rather easily. It  
7 doesn't take 10 years to figure out what's going on and  
8 control that.

9                   MADAM CHAIR: Excuse me, Mr. Benson.

10                  When you refer to overharvesting, you're talking about  
11 overharvesting of the MAD?

12                  THE WITNESS: Of the allocated volume.

13                  MADAM CHAIR: Of the allocated volume.

14                  You're not talking --

15                  THE WITNESS: Right.

16                  MADAM CHAIR: We don't know what the  
17 actual supply is?

18                  THE WITNESS: It's over and above that  
19 rate, but even of the over allocation it was overcut.  
20 I think there's a good example indicated in graph, or  
21 table rather, Table P7 on page 375.

22                  MR. FREIDIN: What page again, Mr.  
23 Benson?

24                  MR. BENNETT: 375.

25                  MR. FREIDIN: Thank you.

1                   THE WITNESS: And on that page it shows  
2 what the annual cut and allocated volumes were for W.  
3 Milne and Sons Limited in the Temagami Management Unit.

4                   And just looking at white pine, Pw, the  
5 second column from the left headed 1958-78 cut  
6 indicates 29,000 - and these figures should be in cubic  
7 metres - that were cut, and then it notes in 1989-1990  
8 requirements for the mill were 9,862, whereas the  
9 actual cut was 16,352 the 1980-90 cut, which is  
10 somewhat over the requirements.

11                  And then in the 1990-92 cut the  
12 allocation is 11,980 cubic metres which is less than  
13 what was being cut on an annual basis in 88-89 the  
14 16,000 but more than what they required during the  
15 period 1980 to '90 on a yearly basis of 9,800.

16                  So you can see first more was harvested  
17 than was allocated, the 16,000 compared to the 9,000  
18 and the answer to that is to allocate more in the new  
19 plan changing the 9,000 to 11,000.

20                  And the problem though is that it's  
21 difficult for Industry there now to make a goal of the  
22 white pine because of the way it has been harvested in  
23 the past, it's scattered around, it's expensive to  
24 harvest it. So that even these allocations are  
25 somewhat unrealistic.

1                   And I tried to sum that up on page 349  
2       the last paragraph where I said:

3                   "The above indicates a conflicting  
4       objective the unit forester is faced  
5       with: How do you provide for an optimum  
6       continuous volume of wood yet honour  
7       previous wood commitments that were  
8       established when allowable cuts were  
9       higher. Affecting his dilemma are an  
10      allowable cut method that will result in  
11      a future reduction of volumes, an  
12      allowable cut method that determines the  
13      area to be harvested and then the volumes  
14      on that area, a demand for mills that do  
15      not welcome a reduction in harvest  
16      levels, a record or management system  
17      that allows overcutting of an allocation,  
18      the implementation of harvesting and  
19      silvicultural operations that are  
20      contrary to the management plan and  
21      an inventory system that does not provide  
22      accurate volume estimates."

23                  So that I have some sympathy with the  
24       foresters that have been there for one reason or  
25       another.

1                   MR. MARTEL: Why would they have said yes  
2     though? Knowing that there was insufficient there to  
3     meet the demand, why would one continue to allow  
4     cutting to exceed what was there annually?

5                   THE WITNESS: I can't answer for them but  
6     sometimes you're not asked.

7                   MS. SWENARCHUK: Q. I think you need to  
8     expand on that a little bit, Mr. Benson, what do you  
9     mean?

10                  A. I mean, in my experience as a unit  
11     forester you are at the lower level and it has to do  
12     with just how much authority or authorization do you  
13     have for controlling your particular management unit  
14     and control can be exercised at different levels.

15                  MR. MARTEL: Could that happen today?

16                  THE WITNESS: I couldn't honestly answer  
17     that. I think it's probably something that should be  
18     answered though.

19                  MS. SWENARCHUK: Q. Are you aware -  
20     perhaps you're not, but tell us whether you are - are  
21     you aware whether the unit forester in the Temagami  
22     region at this point is making these decisions or  
23     whether the decision is made elsewhere?

24                  A. Well, no, I would hate to try to  
25     analyse the Temagami situation now because it is such a

1 hot bed and it's a different district now. There's a  
2 number of people involved there and it is a model  
3 management unit, so it's not a typical management unit  
4 any more and there are a number of people involved in  
5 trying to manage that.

6 I don't know what the system set-up or  
7 who makes the decisions in that area.

8 MADAM CHAIR: Mr. Benson, is your overall  
9 conclusion on your last point that the unit forester  
10 hasn't had the ability or the authority to make a  
11 decision based strictly on a timber management plan and  
12 various techniques for determining allowable cut and so  
13 forth, that there have been other factors that might be  
14 political or economic other than the needs of the  
15 timber industry that have come into play here?

16 THE WITNESS: Correct.

17 MADAM CHAIR: Thank you.

18 THE WITNESS: Plus --

19 MR. MARTEL: Well, would it not be wise  
20 for someone to be putting forth a recommendation as a  
21 term and condition that the unit forester have the  
22 power to make those determinations and if someone  
23 overrides him that becomes public knowledge, so that at  
24 least one knows who in fact is making the ultimate  
25 - decision and not this quagmire that you can never get

1 to the bottom of, of who makes the determination, so  
2 that in fact the buck stops somewhere and you know  
3 who's responsible for making decisions which ultimately  
4 might be not in the best interest of the public or, you  
5 know, not even the best interest of a company operating  
6 in an area.

7                   Surely we have to know and maybe - I  
8 guess it's what some other people are saying - maybe  
9 the unit forester has to have more decision -- of the  
10 decision-making.

11                  THE WITNESS: I think it's partly perhaps  
12 the unit forester needs some more control that way, but  
13 also it's people have to -- in order to make that  
14 evaluation, the people have to know what's going on,  
15 and that is another difficulty: How can they really  
16 really know what's going on.

17                  Like to come up with these rather simple  
18 conclusions that I came up with it's really taken a  
19 number of years and the efforts of primarily the  
20 Teme-augami Anishnabai to collect all the information,  
21 and for most management plans you really couldn't put  
22 together the same information.

23                  MADAM CHAIR: Well, you would agree  
24 though that we have before us pieces of terms and  
25 conditions and we have had discussions at the hearing

1 before to the effect that the forester would perhaps  
2 have an enhanced ability to take responsibility for the  
3 final management plan and its implementation. And you  
4 would see that as being positive?

5 THE WITNESS: I would see that as being  
6 positive, yes.

7 MADAM CHAIR: Thank you.

8 MS. SWENARCHUK: Q. Mr. Benson, on page  
9 350 in the second paragraph you have highlighted this  
10 sentence:

11 "If we have the interest of the forest  
12 and sustainable development at heart, a  
13 more rationale solution would be to  
14 determine the sustainable level of  
15 the production of the management unit and  
16 allocate accordingly."

17 Now, do you advocate managing on that  
18 basis?

19 A. Yes.

20 Q. Now, even if a unit forester had  
21 enhanced decision-making power given, for example, the  
22 OWOSFOP method of calculating allowable cut, could he  
23 manage in accordance with that proposition?

24 A. I'm not too sure what you're looking  
25 for there, but would he be able to manage...?

1                   Q. Would he have the -- I guess my  
2       question, Mr. Martel, really has to do with whether the  
3       issue is at the level of the unit forester or higher up  
4       in the MNR bureaucracy.

5                   If the unit forester is required to use  
6       the OWOSFOP method of calculating annual cut and  
7       allocating in accordance with that OWOSFOP method,  
8       would he still be able to allocate only at sustainable  
9       levels of production or would he in effect be required  
10      to allocate more, which would it be?

11                  A. Oh, I see. Well, as it is now you  
12      don't have to use the OWOSFOP method, they have changed  
13      it so you can use other methods of determining the  
14      allowable cut. So he wouldn't be stuck with that  
15      particular option.

16                  Q. Right.

17                  A. But I think he would want to  
18      determine the level that he can sustain and there's  
19      different ways that you can determine that, and then  
20      use that particular method for the timber part, yes.

21                  To continue on, some of the other  
22      problems had to do with the silviculture on the area  
23      and the new silvicultural rules I've stated on page 353  
24      that the -- in the second paragraph:

25                  "Generally, the new silvicultural

1                   prescriptions appear to be the best  
2                   possible for intensive management with  
3                   existing information except for no limit  
4                   on the size of clearcuts."

5                   And they have introduced more  
6                   comprehensive silvicultural procedures to be followed  
7                   in those units. The problem is can they be  
8                   implemented, because in the 1980-2000 plan the stated  
9                   objective is noted on the bottom of page 353 where they  
10                  note that:

11                  "The plan is to harvest according to the  
12                  silvicultural cut prescriptions in the  
13                  operating plan and it's not the intention  
14                  of this plan or of the Latchford Crown  
15                  Management Unit plan to authorize  
16                  the partial cutting or high grading of  
17                  any stand allocated or unallocated for  
18                  only its pine component."

19                  And on page 354, the top quote from the  
20                  1990-92 interim management plan states:

21                  "Most of the timber was harvested in the  
22                  past decade through partial cutting.  
23                  (i.e., species or product), specific  
24                  removal of timber from the stand."

25                  And it indicates, well in that last

1       decade 1980-1990 the intention was good but the end  
2       result didn't come through.

3                   MADAM CHAIR: Excuse me, I'm getting  
4       confused, Mr. Benson. The paragraph beginning:  
5       "Generally, the new silvicultural prescriptions...",  
6       isn't that referring to the 1990-92 plan?

7                   THE WITNESS: The paragraph beginning...?

8                   MADAM CHAIR: "Generally, the new  
9       silvicultural..."

10                  THE WITNESS: Right, that is the 1990-92.

11                  MADAM CHAIR: Don't you have to ask  
12       yourself in a two-year plan that has been put in place,  
13       until obviously things can be sorted out, what's the  
14       efficacy of silvicultural prescriptions or, I mean, how  
15       much weight can you put on the impact of silvicultural  
16       prescriptions over --

17                  THE WITNESS: Oh, the new ones.

18                  MADAM CHAIR: Yes, for the two-year term  
19       of a plan.

20                  THE WITNESS: Well, not too much because  
21       really you have -- any work you do now is not going to  
22       be available from the timber harvesting point of view  
23       for years from now, so it doesn't have any immediate  
24       effect on the timber supply situation.

25                  MADAM CHAIR: Given no guarantee that

1       these prescriptions will be carried on in a  
2       1992-whatever plan?

3                     THE WITNESS: No, you don't, that's the  
4       problem, and they haven't been carried out in the past  
5       and -- well, that was the basic. I wanted to point out  
6       too that they were using a method, and this is on page  
7       356 in the middle of the paragraph, they were using a  
8       seed tree method quite extensively, even though it was  
9       not a recommended method for harvesting in their plans  
10      themselves, or in the literature it's not a recommended  
11      method for regenerating white pine, and yet it was  
12      still being used throughout that area.

13                  And I think to go on with what you're  
14      saying is that it's even more discouraging because on  
15      page 358 both those quotes are from the 1904 Bureau of  
16      Forests -- the annual report of the Bureau of Forests  
17      and they both recognize the problems of regenerating  
18      white pine. So it's been a long-term problem that was  
19      recognized.

20                  And the techniques -- basic techniques  
21      for meeting those problems were noted in the 1920s,  
22      that is on second paragraph page 359, but we haven't  
23      really seen a strong movement towards trying to  
24      regenerate the white pine until the 1992 plan.

25                  MS. SWENARCHUK: Q. Now, Mr. Benson,

1       with regard to the inventory and age-class distribution  
2       of the white pine that is left, would you explain for  
3       the Board, please, the import of Figure P4 on page 367?

4                     A. Figure P4, page 367, indicates the  
5       age-class distribution of the white pine working group  
6       for the new management plan. The management unit  
7       boundaries were changed which really causes confusion  
8       too when it comes to putting data together, but in this  
9       case I managed to get both the inventory for the same  
10      townships for the new management unit and compared  
11      them.

12                    MADAM CHAIR: Excuse me, which page are  
13      you on, Mr. Benson?

14                    MS. SWENARCHUK: 367.

15                    MADAM CHAIR: 367.

16                    THE WITNESS: So it's a comparison of the  
17      old and new inventory, of the FRI inventory for the  
18      present existing Temagami management unit for the white  
19      pine working group and it shows what the area  
20      distribution is, and really it indicates what the  
21      problem has been, cutting of white pine has occurred  
22      since about the 1920s in that management unit so that  
23      you would expect there's 70 years where you should have  
24      some younger pine if it was growing back. And if you  
25      look there you can see that while there is a little bit

1 of younger pine, but certainly not enough area that is  
2 going to be available in the future.

3 I guess it also illustrates the problem  
4 too, you have a fair bit of white pine in the 120 plus  
5 age-class and if you're determining what's the  
6 sustainable yield going to be for that working group,  
7 for that management unit, it's a matter of: Well, how  
8 far can you stretch that white pine out until you have  
9 grown a new forest.

10 And we have really developed a situation  
11 here where you almost have to stretch it out for  
12 another 120 years before you have a another forest  
13 ready.

14 Now, what area was in these age-classes  
15 at the start, say in 1904, I would expect that there  
16 was more area in white pine at that time, but I have no  
17 idea what that area would be.

18 MADAM CHAIR: Do you want to take the  
19 afternoon break, Ms. Swenarchuk?

20 MS. SWENARCHUK: Sure.

21 ----Recess taken at 2:40 p.m.

22 ----On resuming at 3:00 p.m.

23 MADAM CHAIR: Please be seated.

24 MS. SWENARCHUK: Q. Mr. Benson, do you  
25 want to continue with the Temagami unit?

1                   A. Yes. There's only one other point I  
2        wanted to add to what I've said already - and that was  
3        brought up, the point about access before - and the Red  
4        Squirrel Road goes in along this way, the Gillargum  
5        Road Road comes up here and the Liskard Lumber Road  
6        comes down this way and the two were to join, in fact  
7        they have more or less joined but never been used.

8                   And so access to this area in here,  
9        sometimes called the Lokimika triangle, even though I  
10      drew it as circle, is a conflict area. It's a conflict  
11      area with different meanings for different groups. The  
12      wilderness people want it as a wilderness area, no  
13      access; some of your canoeists want it as no access  
14      across portages or just alongside lakes, as long as  
15      what they see on their canoe route is not disturbed;  
16      the Indian band wants no road access but they don't  
17      mind harvesting - which is a new twist on the  
18      scenario - and you have advocates for the old growth  
19      areas whether it be wilderness or scientific study area  
20      whether it should be accessed for tourism or whether it  
21      should be just set aside to let it grow.

22                  What's the answer to that particular  
23      problem, I don't know, but I think in order to solve  
24      it - the present situation has not resolved it because  
25      the people involved in the planning exercise haven't

1 included everybody in the planning exercise to the  
2 extent that it should have.

3 I wanted to leave this here too.

4 MS. SWENARCHUK: I guess we'll have to  
5 make it an exhibit. Exhibit 1635.

6 MADAM CHAIR: Yes, Exhibit 1635. Could  
7 you describe that, Ms. Swenarchuk?

8 MS. SWENARCHUK: Perhaps Mr. Benson can  
9 describe it. It's an enlargement of landsat 5 TM Bands  
10 3, 4 and 5 for the Temagami area in which one  
11 centimetre equals two kilometres.

12 ---EXHIBIT NO. 1635: Enlargement of Landsat 5 TM Bands  
13 3, 4 and 5 re: Temagami area.

14 THE WITNESS: I have no further comments  
15 on the Temagami unit.

16 MS. SWENARCHUK: Q. I just have a few  
17 other matters to review with Mr. Benson and that  
18 concludes our examination of the witness statement and  
19 slides.

20 Looking at Forests for Tomorrow's terms  
21 and conditions which were filed as Exhibit 1610 in  
22 December, Mr. Benson, you wrote in your witness  
23 statement Volume I some references to the planning  
24 process used by the United States Forest Service, and I  
25 believe these are in Chapter 7 of Volume I of the

1        witness statement, and I believe also in the chapter on  
2        holistic planning.

3                    And have you had an opportunity to review  
4        Forests for Tomorrow's condition 92 which begins on  
5        page 71 of the document. I won't be asking you to go  
6        through it. Have you had an opportunity to review it?

7                    A. Yeah, I have.

8                    Q. Yes. And what is your view of the  
9        proposal to utilize in Ontario - it's term and  
10      condition 92 and following, beginning on page 71 -- 71  
11      to 76.

12                  And my question, Mr. Benson is: What is  
13      your view of the proposal to utilize in Ontario a  
14      modified version of the United States Forest Service  
15      planning process as outlined in condition 92?

16                  A. I am in general agreement with what  
17      is proposed there, more particular agreement with a  
18      couple of the points.

19                  Q. I think you'll have to speak up.

20                  A. I am in general agreement with what  
21      is stated there, and more particularly with a couple of  
22      the points.

23                  Q. In your view, are there any  
24      particular advantages in the planning approach used by  
25      the United States Forest Service?

1                   A. The two I see from my point of view  
2 anyway are that from the point of view of managing all  
3 resources they do consider all the resources right from  
4 the top, so they have an idea of what it is they are  
5 managing for; and, secondly, they make their management  
6 plans and maps available as documents so that you can  
7 take them away and examine them at your leisure, and  
8 you can take them away as complete documents.

9                   Q. And what is your view of the approach  
10 used in that planning system to the consideration of  
11 alternate uses of the land?

12                  A. I think it gives the -- well, I know  
13 it gives the managers of the areas a better idea of  
14 what is they are producing or can produce on their  
15 management unit, but I think for the public it can give  
16 them a better chance to appreciate what the management  
17 unit can produce and what the tradeoffs are, if you  
18 like, or what the cost is of not managing an area in a  
19 certain way.

20                  Q. And you looked briefly before at some  
21 of the silvicultural standards in Forests for  
22 Tomorrow's proposals, and this is now term and  
23 condition 15 to 23.

24                  Did you play a part in drafting those  
25 prescriptions, Mr. Benson?

1                   A. Yes, I did.

2                   Q. And what is your view of the proposal  
3                  then to adopt these prescriptions for use in Ontario?

4                   A. I am in general agreement with their  
5                  adoption.

6                   Q. And Forests for Tomorrow's terms and  
7                  conditions beginning at about 66 -- 66, 67, have to do  
8                  with a data collection and silvicultural data. And  
9                  were you involved in the drafting of those  
10                 prescriptions?

11                 A. Yes, I was.

12                 Q. I take it, do you agree then that  
13                 these provisions as proposed should be utilized in  
14                 Ontario?

15                 A. Yes. I think they should really add  
16                 something else that has just become apparent since  
17                 we've been talking here, and I think that is the  
18                 mapping of the areas that are harvested and the  
19                 silvicultural work that has been done on those areas  
20                 and an updating of that so that you have a picture of  
21                 how that management unit is progressing and what the  
22                 plan is for developing the future forest on that area  
23                 becomes apparent.

24                 Q. So that would -- would that be  
25                 satisfied by adding requirements for cut-over maps and

1 silvicultural maps with the year of operation recorded?

2 A. Partially but not entirely. I think  
3 it has to be updated yearly so you can see how the unit  
4 is going to be developing.

5 MS. SWENARCHUK: Madam Chair, that has  
6 become apparent since these were drafted and we will be  
7 asking for the Board's permission to add provisions to  
8 that effect in the terms and conditions filed.

9 Q. And my final question, Mr. Benson,  
10 has to do with terms and conditions 81, 82 and 83, and  
11 these have to do with the preparation of an annual  
12 report for each forest management unit in condition 81;  
13 a provincial annual report on timber management in  
14 condition 82; and every five years a provincial state  
15 of the forest report in condition 83.

16 And are you in agreement, Mr. Benson,  
17 with a proposal to require these reports of the  
18 Ministry?

19 A. Yes.

20 MS. SWENARCHUK: Those are my questions  
21 of Mr. Benson, Madam Chair.

22 MADAM CHAIR: Thank you, Ms. Swenarchuk.

23 Shall we get started, Mr. Hanna?

24 MR. HANNA: I would prefer to, Madam  
25 Chair, yes.

1                   MADAM CHAIR: All right, let's.

2                   Before Mr. Hanna begins, the Board would  
3 just remind all of you who will be cross-examining Mr.  
4 Benson that we don't expect Mr. Benson to be subjected  
5 to reading long passages out of the material nor to be  
6 asked to spend his evenings reading hundreds of pages  
7 of material that he might be questioned on.

8                   If we can't accommodate this in the  
9 cross-examination, then we're going to have to put it  
10 aside and look at some way of having Mr. Benson respond  
11 later or in a different way.

12                  MR. HANNA: I have no intentions of  
13 having long materials for Mr. Benson to read.

14                  MADAM CHAIR: Thank you, Mr. Hanna.

15                  MR. HANNA: So I don't believe there will  
16 be a problem through my cross-examination, Madam Chair.

17                  MADAM CHAIR: Thank you.

18                  MR. HANNA: Madam Chair, before I begin,  
19 with respect to the request that I asked the Board in  
20 terms of tomorrow afternoon, I am going to do my very  
21 best to try and be completed by noon tomorrow. If that  
22 is the case, then obviously my request for an  
23 adjournment would not be required, and I simply wanted  
24 to alert the other parties to that.

25                  I have spoken to Mr. Cassidy about that

1 and I believe he's ready to go, but I wished to alert  
2 the other parties to that fact.

3 MADAM CHAIR: Good. Thank you, Mr.  
4 Hanna.

5 CROSS-EXAMINATION BY MR. HANNA:

6 Q. Mr. Benson, I'm not used to asking  
7 questions sitting down, I'm used to answering questions  
8 sitting down, so I'll try to see if I can ask questions  
9 sitting down as well as I can do it standing up, maybe  
10 do them better. I'm sure the Board would be pleased  
11 with that.

12 Mr. Benson, before I begin I would like  
13 to deal with the interrogatories. Did you prepare the  
14 interrogatory responses submitted by the Ontario  
15 Federation of Anglers & Hunters?

16 A. Yes, I did.

17 MR. HANNA: Madam Chair, I would like to  
18 submit those as the next exhibit, if I might, please.

19 MADAM CHAIR: That will be Exhibit 1636.

20 ---EXHIBIT NO. 1636: OFAH Interrogatories and  
21 responses thereto for FFT Panel  
No. 5 (Mr. Benson).

22

23 MR. HANNA: Q. Do you have a copy, Mr.  
24 Benson?

25 A. I have the answers but not the

1       questions.

2                    MR. HANNA: (handed)

3                    MR. CASSIDY: The record may not be  
4                    clear. I understood Mr. Hanna said he was filing the  
5                    interrogatories. I note that what he's provided me is  
6                    only the Anglers & Hunters interrogatories.

7                    Did you say Anglers & Hunters?

8                    MADAM CHAIR: Yes. Mr. Hanna, for the  
9                    record could you read out which interrogatories are in  
10                  this exhibit.

11                  MR. HANNA: Yes. I have submitted, Madam  
12                  Chair, all the interrogatories from the Ontario  
13                  Federation of Anglers & Hunters that consists of five  
14                  questions, and I have included all of the answers to  
15                  those questions.

16                  MADAM CHAIR: Thank you. It's a  
17                  five-page document?

18                  MR. HANNA: Yes, Madam Chair.

19                  Q. Mr. Benson, before we begin, the  
20                  other question I would ask: Do you have copies of your  
21                  transcripts of your testimony from last year? You  
22                  don't?

23                  A. From this room what we said? What  
24                  was said here?

25                  Q. Yes.

1                   A. No, I don't.

2                   Q. Okay. I will probably be needing  
3 those. Perhaps we don't. Can I perhaps -- Madam  
4 Chair, the two transcript volumes that I will be  
5 referring to, that is 270 and 271.

6                   MADAM CHAIR: Certainly. Mr. Pascoe is  
7 off to get them.

8                   MR. HANNA: Great, thank you.

9                   Q. Perhaps we can turn first to Exhibit  
10 1604A which is Volume I of your witness statement, Mr.  
11 Benson, page 2. This is page 2 of the main body of the  
12 report, and this is the -- I'm looking at Section 1  
13 which is entitled The Aim. Do you see that?

14                  A. Yes, I do.

15                  Q. And I believe during the scoping  
16 session the Board had indicated that it wished to have  
17 clarification on that matter, and you provided that in  
18 your oral evidence in Volume 270 at page 47820 -- I'm  
19 sorry, 48720, excuse me. And just in the interest of  
20 time I'll just -- time has caught up with me.

21                  If you look starting at line 7, you  
22 provided your response to the question that the Board  
23 had raised in terms of what would be the aim that you  
24 would propose would be more appropriate for timber  
25 management; correct?

1                   A. Correct.

2                   Q. And the words that you provided was  
3                 "to manage the forest of Ontario for all users on a  
4                 sustained yield basis while maximizing the net present  
5                 worth of all the resources."

6                   A. Right.

7                   Q. Correct? Now, I believe in the  
8                 interrogatories you were asked if you had read the  
9                 Ontario Federation of Anglers & Hunters terms and  
10                conditions. You indicated you had; correct?

11                  A. I had read an earlier edition of  
12                them.

13                  Q. Yes, I understand that.

14                  MR. HANNA: Madam Chair, the preceding  
15                version of the OFAH terms and conditions was Exhibit  
16                1125. I am not sure -- before Mr. Cosman was kind  
17                enough to provide us with a binder with all of the  
18                terms and conditions in it, that was the previous terms  
19                and conditions, we now have updated ones.

20                  I would propose either to make this an  
21                exhibit now or to put a consolidated package of terms  
22                and conditions before you. I am not sure what your  
23                preference is. This is the November 28th version,  
24                Madam Chair are.

25                  MADAM CHAIR: Well, why don't we make

1 just yours an exhibit for now so you can use it for  
2 cross-examination.

3 MR. HANNA: Fine.

4 MADAM CHAIR: And that will be Exhibit  
5 1637.

6 ---EXHIBIT NO. 1637: OFAH revised terms and conditions  
7 of November 28, 1990.

8 MR. HANNA: Q. In the original terms and  
9 conditions and in the revised terms and conditions, Mr.  
10 Benson, Section 2.1 dealt with the goal statement and I  
11 will leave that to you. I take it you don't have a  
12 copy with you?

13 A. Correct.

14 Q. There's two terms and conditions  
15 under Section 2.1, the first is:

16 "The stated goal of each timber  
17 management plan shall be to provide a  
18 predictable supply of resource benefits  
19 from the forest estate through management  
20 of the forest structure."

21 A. To provide a...?

22 Q. "...a predictable supply of resource  
23 benefits from the forest estate through  
24 management of the forest structure."

25 That is No. 1. And the second component

1 of that is that:

2                    "The ultimate objective shall be to  
3                    strive for an optimum mix of resource  
4                    benefits which shall be decided for each  
5                    forest management unit through one  
6                    comprehensive analysis of the full range  
7                    of alternate feasible combinations  
8                    of resource benefit supplies and  
9                    extensive public consultation."

10                  Now, what I wish to review with you was,  
11                  looking at your proposal in terms of an aim for the  
12                  Ministry and the OFAH proposal as an aim for the  
13                  Ministry, we have come up with a goal statement that I  
14                  think more or less is synonymous.

15                  If there is a substantive difference, if  
16                  there isn't that's fine; if there is, I would like your  
17                  understanding of what your view is of what the  
18                  difference is, and I would like to explore with you the  
19                  significance of that difference.

20                  MS. SWENARCHUK: Excuse me, what is the  
21                  number in your terms and conditions?

22                  MR. HANNA: 3 and 4.

23                  MS. SWENARCHUK: Did you give a copy to  
24                  Mr. Benson?

25                  MR. HANNA: I made it very clear in our

1 statement of issues that I would be referring to our  
2 terms and conditions and I didn't bring a copy for Mr.  
3 Benson.

4 Q. If is there a substantive difference,  
5 Mr. Benson?

6 A. Is there a substantive difference  
7 between your aim and the aim that I stated?

8 Q. Yes.

9 A. Well, I think the basic difference is  
10 is that the aim that I put down was measured by one  
11 factor, and that was the net present worth, so that you  
12 had one quantitative piece of information on which to  
13 measure whether the aim is being achieved or not.

14 The predictability of supply part does  
15 match, where I say that it should be managed on a  
16 sustained yield basis for all users. Where it varies  
17 as I understand when you say optimum mix, what is the  
18 optimum mix, and this has some value to measure it by,  
19 it would be the same if your optimum mix was to  
20 maximize the net present worth.

21 So basically they are in agreement with  
22 the first part in the sense of predictability of supply;  
23 with the second part, they are not directly opposite,  
24 but I said -- a definition I gave was more narrow and  
25 more quantitative than what your definition is.

1                   Q. There's two subsections to term and  
2 condition 4, the first subsection indicates that:

3                   "The optimum mix...", and I'm putting  
4 that aside for the time being, I'm going to come back  
5 to that.

6                   "The optimum mix should be decided  
7 through a comprehensive analysis of a  
8 full range of alternate feasible  
9 combinations of resource benefit  
10 supplies."

11                  would you agree with that?

12                  A. Through alternate --

13                  MS. SWENARCHUK: Madam Chair, I think we  
14 have exactly the problem I'm concerned about. Either  
15 Mr. Benson needs to have it in front of him or we have  
16 the problem that it's going to require some close  
17 reading for him to do it, I think it's really his  
18 choice.

19                  But I think at a minimum we need to take  
20 five minutes and photocopy the pages that Mr. Hanna  
21 intends to use this afternoon if Mr. Benson were able  
22 to read them.

23                  MR. MARTEL: Well, I can't follow it. I  
24 mean, I don't want to be difficult, but I'm having  
25 difficulty following what the question is and trying to

1 find the transcript what Mr. Benson said, and I don't  
2 have one in front of me and the other one. It just is  
3 an impossible situation for me to follow.

4 MR. HANNA: Madam Chair, perhaps for the  
5 future, I believe I said this several times on the  
6 record, but I'll say it once more, I understand the  
7 Board's direction to all parties is that their  
8 cross-examination has to be tied strongly to their  
9 terms and conditions or the terms and conditions of the  
10 Ministry or the party presenting the evidence.

11 I have attempted through all my  
12 cross-examination to tie my cross-examination to our  
13 terms and conditions nad I will be referring to that as  
14 far as I can see in the future for the remainder of  
15 this hearing.

16 So I just put that out as a notice to all  
17 of the parties, that I will be referring to my terms  
18 and conditions, and so when you see me coming here,  
19 have your terms and conditions in your hands because I  
20 will be referring to them.

21 But I am certainly prepared to take a  
22 moment for --

23 MADAM CHAIR: What we will do then, Mr.  
24 Benson, Mr. Hanna is asking whether you agree with two  
25 other aspects of his organization's identification of

1 what the objective of timber management planning should  
2 be, and I agree with Ms. Swenarchuk, you should have a  
3 copy of that in front of you, and there are about three  
4 lines to read and we will just have to see how it goes.

5 If it's a strain in any way, just tell us  
6 and we will have to do something else. And I think  
7 I'll pass my binder over to Mr. Benson and Mr. Martel  
8 and I will share his copy. (handed).

9 Thank you, Mr. Hanna.

10 And I have highlighted in green the last  
11 three lines that Mr. Hanna is asking whether you agree  
12 with him or not.

13 THE WITNESS: Thank you, Madam Chair.

14 MR. HANNA: Q. Perhaps, Mr. Benson, just  
15 take a moment to read those terms and conditions and I  
16 would suggest that you also read the rationale, it may  
17 assist you in understanding.

18 A. Well, the way I read it, point one  
19 and two really say how you are going to go about  
20 achieving your particular goal. The goal is the  
21 optimum mix of resources and of resource benefits.

22 Q. Yes, I agree. And I'm asking: Do  
23 you agree with those two means to determine the optimum  
24 mix?

25 A. Yes, that can be part, I believe in

1 my Volume I I gave a series of four steps that I prefer  
2 over two steps, and those are on page 59 of Volume I.

3 Q. Yes.

4 A. Point (a) to (d).

5 Q. Fine. I will be come back to those.

6 I think that is sufficient for now.

7 Now, with respect to the matter of  
8 optimum mix, first of all, can you explain to me what  
9 you mean in your aim statement you provided in the  
10 transcript by net present worth?

11 A. Define net present worth?

12 Q. Yes.

13 A. Net present worth is when you analyse  
14 what the end result is of the net benefit value of all  
15 revenues and all costs.

16 Q. And what is meant by the word present  
17 in that phrase?

18 A. From the particular point of time  
19 that you're doing the calculation, net present worth.  
20 So if you were calculating the net present worth in  
21 1991, the present is 1991. Is that --

22 Q. How do you calculate the net present  
23 worth?

24 A. Well, it depends what particular  
25 value you're calculating with. If you have a future

1 value, one future value, and there's a number of  
2 different formulas that you use depending upon --

3 MS. SWENARCHUK: Madam Chair, as I  
4 indicated to you at the scoping session and referred to  
5 Mr. Hanna on the telephone, this is an issue that will  
6 be canvassed fairly extensively by the economists,  
7 including the various approaches to calculating net  
8 present worth.

9 MR. HANNA: Madam Chair. I am happy to  
10 defer it and it wasn't my intention to get into Panel 7  
11 evidence at this time. I want to ensure that what Mr.  
12 Benson is saying net present worth, is net present  
13 value as is set out in paragraph 7 and as used  
14 standardlly in economics, and if that is what is meant  
15 by that, that is a way to discount a stream of future  
16 benefits to a present value, if that's the way he's  
17 using the term, so be it. I just want to make sure  
18 that that's what we're talking about.

19 THE WITNESS: Oh, I can answer that  
20 question easier. Yes, net present worth, net present  
21 value, the terminology, or net present benefit, they're  
22 used interchangeably some time.

23 When you're looking at a net present  
24 value for a project it involves a number of different  
25 costs and revenues and you bring them all back to the

1 present value.

2                   The more common terminology is net  
3 present worth because it implies the worth of the whole  
4 project and all costs and benefits associated with it,  
5 so some people call it net present value.

6                   MR. HANNA: Q. Now, you indicate in the  
7 transcripts in Volume 270 starting at line 24, and you  
8 say:

9                   "The net present worth really deals with  
10 all of the other resources. I feel they  
11 should be managed so that they are being  
12 managed on a profit basis for the  
13 province and that is one way that we can  
14 quantify those resources at this  
15 particular time."

16                  Now, I was interested in understanding  
17 why you felt that net present worth deals with all of  
18 the other resources, and I presume by other you mean  
19 other than timber?

20                  A. Correct.

21                  Q. Why does net present worth not also  
22 apply to timber?

23                  A. I meant it to apply to timber too,  
24 not to exclude timber but to apply to timber.

25                  Q. And on the top of the next page 48721

1       in the part that I have just quoted, you indicate that  
2       they should be managed on a profit basis. Can you  
3       explain what you mean by on a profit basis?

4                   A. So that it's not at cost to the  
5       province, that it is at the very least at a break-even.

6                   MADAM CHAIR: Excuse me, Mr. Benson. Do  
7       you mean that if it costs a thousand dollars to produce  
8       a moose, that a moose hunting licence should be a  
9       thousand dollars?

10                  THE WITNESS: If it costs that much to  
11       produce a moose, I would say so, yes, and it may seem  
12       unrealistic in a way when you think about that compared  
13       to what today's costs are. If you compare it to  
14       European costs, which is a little bit different where  
15       they are trophy hunting, but I was in Yugoslavia, they're  
16       were showing me one of their game farms there, they're  
17       in competition with us really for the wealthy Germans  
18       and the price for hunting some of their deer was up in  
19       the range of over \$10,000 which was really quite  
20       surprising to me.

21                  MR. HANNA: Q. And does that comment  
22       apply to all activities occurring on Crown land, that  
23       it should be, managed on a profit basis?

24                  A. I think it should be managed on a  
25       profit basis.

1                   Q. And how would you propose obtaining  
2 the revenue from, for example, matters such as, Dr.  
3 Payne spoke about preceding you in Panel 4 in terms of  
4 things such as existence value.

5                   A. Of -- I'm not too sure what's meant  
6 by that.

7                   Q. One of the benefits that we heard Mr.  
8 Payne or Dr. Payne speak about extensively was  
9 existenced value. Do you understand that term?

10                  A. No, I don't.

11                  MS. SWENARCHUK: Could I help, Mr. Hanna  
12 again, that the question of valuing the tangibles and  
13 non-market benefits will also be addressed by  
14 economists.

15                  MR. FREIDIN: Madam Chair, if I might  
16 just rise. I'm certainly interested in having this  
17 witness' evidence on some of these subjects,  
18 notwithstanding it's the subject matter of Panel 7,  
19 he's given evidence on it and I intend to be dealing  
20 with his understanding of these terms and his evidence  
21 on these matters, and I don't think everything can be  
22 put off to Panel 7.

23                  So I just wanted to rise and let you know  
24 that regardless of what even Mr. Hanna may take as to  
25 whether he wishes to follow up on this question.

1                   MADAM CHAIR: Mr. Hanna, what is the  
2 general question you want Mr. Benson to address?

3                   MR. HANNA: Perhaps I can start at a  
4 different level, Madam Chair, in terms of where it's  
5 all leading to.

6                   I want to make -- as much as possible, if  
7 Mr. Benson's view and my client's view are comparable  
8 in terms of the aims for timber management in the  
9 province, can be made as parallel as possible, that's  
10 obviously my interest and FFT's interest also, and I  
11 want to try and iron out to see if there are any  
12 misunderstandings there.

13                  One of the concerns I have is when you  
14 talk about net present worth there is a whole series of  
15 implications that has in terms of how you value things,  
16 how you deal with distributional concerns and whatever.

17                  Now, if Mr. Benson is willing to say:  
18 Well, really the economic side of it is -- Panel 7 will  
19 deal with that and I'm happy to defer to my colleagues  
20 who are economists in terms of that component, fine.

21                  But I am concerned in having this  
22 evidence on the record in terms of the aim, potentially  
23 this Board adopting that aim as being a direction for  
24 timber management and straight jacketing us into a  
25 direction that may not be advantageous to any of the

1       parties and that's what I'm concerned about.

2                     MADAM CHAIR: Okay. Why don't we then  
3       ask Mr. Benson questions to explore the issue -- well,  
4       the issue you're looking at is how, if he looks at  
5       economic valuation of non-timber resources as being  
6       possible and important?

7                     I don't think we should spend time on a  
8       lot of specific definitions.

9                     MR. HANNA: Yes, I understand.

10                  Q. Perhaps we can revisit the aim then,  
11       Mr. Benson, and perhaps we can come at it in a  
12       different way.

13                  The concern that I had when I read your  
14       aim is this, and then I'll ask you for your response to  
15       it, is that when you put in a term maximizing and you  
16       put in the term net present worth, that's a very strict  
17       rule. You understand what I mean by being a strict  
18       rule, and I think you've already made -- I believe  
19       you've made reference to that, that it's a strict  
20       quantitative definition.

21                  A. Right.

22                  Q. That there's really no discretion to  
23       it.

24                  A. No...?

25                  Q. Discretion to it.

1                   A. I'm not too sure what you would mean  
2 by that, that there's no discretion to it.

3                   Q. If this Board was to decide that  
4 timber management plans, the ultimate measure for a  
5 timber management plan was that the manager, the  
6 planner must show that the plan achieves the maximum  
7 net present worth, that is -- that leaves no discretion  
8 in terms of dealing with other considerations that may  
9 not be captured strictly on net present worth. Do you  
10 follow what I mean?

11                  A. Oh, yes, I follow that. Were you  
12 making the presumption though that you're not putting a  
13 net present worth or you're not putting a value on all  
14 resources.

15                  Q. No, let me give you an example. How  
16 do you propose to deal with distributional concerns in  
17 that definition of the aim?

18                  A. Just -- I'm not too sure what you  
19 mean there.

20                  Q. Distributional issues. You're not  
21 familiar with distributional issues as they pertain to  
22 welfare economics?

23                  A. No, I'm not.

24                  MR. HANNA: Well, Madam Chair, I think  
25 this is probably best left to Panel 7. I'm sure Dr.

1           Meuller will understand it.

2           Q. Has the aim that you've proposed been  
3       incorporated in the FFT terms and conditions to the  
4       best of your knowledge?

5           A. To the best of my knowledge.

6           Q. It has?

7           A. Yes, to the best of my knowledge.

8           Q. And can you indicate to me where in  
9       the terms and conditions that aim is incorporated?

10          A. This is going to take a moment.

11          MADAM CHAIR: Are you asking Mr. Benson  
12       which of the 90 some terms and conditions proposed by  
13       Forests for Tomorrow reflects his aim?

14          MR. HANNA: Yes. Madam Chair, I want to  
15       see specifically where it's proposed in here and to  
16       ensure that the wording that is here is consistent with  
17       the wording that he has provided. If there's  
18       inconsistency, I would like to deal with that.

19          MS. SWENARCHUK: I can answer the  
20       question directly. The testimony occurred after the  
21       November 28th deadline for filing terms and conditions  
22       with the Board.

23          The question of intensive and extensive  
24       management and present net worth was before the Board  
25       in our silvicultural prescriptions, then 1614A, which

1       became - thank you, Mr. Lindgren - term and condition  
2       141 (vii) on page 15 of FFT's November 28th draft.

3                     Now, the question of the proposed aim of  
4       the Ministry, you will recall, is a question that came  
5       from the Board and was not directly addressed by FFT in  
6       the terms and conditions before that.

7                     As we did not previously draft a term and  
8       condition in the exact wording that Mr. Hanna is  
9       looking for, I don't think you'll find it in the draft.

10                  MADAM CHAIR: Does that satisfy you, Mr.  
11       Hanna? If you're trying to get at the point of --

12                  MR. HANNA: I will deal with this  
13       specific term and condition then, Madam Chair, if  
14       that's acceptable. That's why I'm doing this, and  
15       perhaps I will just take one more step back and just  
16       explain to the Board why I feel it's important.

17                  It will certainly be the approach of the  
18       Federation of Anglers & Hunters, if they do present a  
19       case, to provide evidence to support each and every one  
20       of the terms and conditions they have brought forward,  
21       and it is my experience that it is the expert witness  
22       and his testimony that these types of decisions are  
23       anchored on, and I'm trying to anchor as many of the  
24       FFT terms and conditions with the expert testimony that  
25 -      is being provided by FFT so I can understand that, and

1 if there's something that I disagree with in terms of  
2 the wording, I understand them and can get the expert's  
3 opinion on them.

4 MADAM CHAIR: Thank you, Mr. Hanna. The  
5 Board would just make comment two comments, and the  
6 first is, that it is our hope that the negotiations of  
7 terms and conditions might be completed before you  
8 present a case, or we might have a very good idea where  
9 the whole thing stands. So certainly if you're  
10 thinking of presenting a case, you will keep that in  
11 mind.

12 And, secondly, if you have any question  
13 about whether Forests for Tomorrow as an organization  
14 is standing behind or is in complete agreement with Mr.  
15 Benson's stated aim, then talking to them out of the  
16 hearing room would be a quick way of doing it.

17 MR. HANNA: I appreciate that, Madam  
18 Chair, but what I guess my point is simply that I  
19 expect at the end of the day each of the parties' terms  
20 and conditions are going to be argued before you and  
21 that argument is going to be based on the evidence that  
22 is before you.

23 MADAM CHAIR: The Board's hope is that  
24 that won't have to happen. If it does, we will know in  
25 advance of your case.

1                   MR. HANNA: Well, I'm very encouraged by  
2                   that. I can tell you, as far as my client is  
3                   concerned, if negotiations can be successful to that  
4                   end you will have a lot of happy anglers and hunters in  
5                   this province, but I have to proceed on the basis that  
6                   that won't occur, and that is what I'm doing at the  
7                   present time.

8                   MR. CASSIDY: Madam Chair, there is one  
9                   matter in relation to a comment you just made that is  
10                  of some concern to me from a general point of view, and  
11                  I'm not indicating that I would take this approach or  
12                  may not.

13                  It's my position that it is open to the  
14                  counsel to question a witness of any party as to  
15                  whether or not that witness is in agreement with the  
16                  position of the person who called him or her. It would  
17                  be an unusual circumstance I would think where a  
18                  witness who is called by the party would disagree with  
19                  that party's position.

20                  However, it's been known to happen but it  
21                  is, in my respectful submission, entirely appropriate  
22                  for it to be raised in the hearing before the Board  
23                  because that's the only place where the Board would  
24                  hear it and as a result of that, I have some concern  
25                  about that view.

1                   I make this known, not with respect to -  
2        I have no idea where Mr. Hanna is going in his  
3        cross-examination - but I think that there would be  
4        fairly good agreement among counsel that that is a  
5        legitimate form of enquiry in a hearing, subject to the  
6        usual rules about, you know, going overboard about  
7        relevance.

8                   MADAM CHAIR: Thank you, Mr. Cassidy.

9                   MR. FREIDIN: I might just might add,  
10        Madam Chair. It's always been at least my position  
11        that the evidence of witnesses called by any party in  
12        fact is evidence of that party and it is specifically  
13        adopted by that party, unless the witnesses have, as  
14        some of my witnesses did, indicated they were  
15        expressing their personal view and, therefore, clearly  
16        indicating that they were doing that and divorcing  
17        themselves from giving evidence of the Ministry  
18        position.

19                  So I want to make that very clear as well  
20        and if there is any problem with that amongst counsel,  
21        I think we will hear about it.

22                  MADAM CHAIR: Thank you, Mr. Freidin.

23                  Mr. Benson, was your definition about  
24        what you would see as a satisfactory aim of the  
25        Ministry of Natural Resources, the way that you defined

1       it for the Board before Christmas, is that your  
2       personal opinion or is that the opinion of Forests for  
3       Tomorrow?

4                   THE WITNESS: That's my opinion. I would  
5       like to say though that I can answer the other question  
6       there too now that I found --

7                   MADAM CHAIR: Well, what you said to the  
8       Board is that's your opinion and you said previously  
9       you believe that is compatible with what is in Forests  
10      for Tomorrow's terms and conditions?

11                  THE WITNESS: Yes, right. I wanted to  
12       know, there seemed to be -- if I could explain what I  
13       meant by that. They say different things when you read  
14       them where the -- in the Forests for Tomorrow it talks  
15       about extensive silviculture and intensive  
16       siliviculture, and why I say it's basically the same as  
17       what I stated is because the cost element for managing  
18       the forest is highest in the silvicultural component,  
19       so you are minimizing that cost the other values are a  
20       very small cost item in the management of the forest,  
21       and that's why I can say that that matches my  
22       particular definition.

23                  MR. HANNA: Q. Well, let's accept your  
24       proposition for the time being, Mr. Benson. Would you  
25       not agree that there is a wide range of positive

1 effects, benefits that can be achieved and that those  
2 can vary dramatically with silvicultural treatment  
3 while the cost may be relatively consistent?

4 A. You could conceivably have such  
5 situations, yes.

6 Q. So that the net present worth type of  
7 concept is not only reflected in the cost side of the  
8 silvicultural activity, but it's also reflected in a  
9 whole variety of other things and affects the benefits  
10 that can be achieved?

11 A. That's right.

12 Q. Now, can we look at term and  
13 condition 14 (i) (vii), the specific wording there and  
14 I want to see how that matches with the aim that you  
15 set forward.

16 As I read that, the net present worth  
17 criteria applies only to intensive silviculture; is  
18 that how you read it?

19 A. That was subset (vii)?

20 Q. The subset that Ms. Swenarchuk just  
21 referred to.

22 MADAM CHAIR: Is that the Roman numeral  
23 vii, Mr. Hanna?

24 MR. HANNA: Yes, Madam Chair.

25 MS. SWENARCHUK: It's Roman numeral viii.

1                   MR. HANNA: I'm sorry, I meant viii.

2                   THE WITNESS: So your feeling is that  
3                   you're taking from that statement that present net  
4                   worth is applied only in the case of intensive  
5                   silviculture?

6                   MR. HANNA: Q. There's a semi-colon after  
7                   coniferous species and then however, and within that  
8                   clause is the only place that you see the net present  
9                   worth, it doesn't seem to apply to extensive  
10                  silviculture.

11                  A. I suppose you could take that from  
12                  the way it's worded, but I don't believe that was the  
13                  meaning--

14                  Q. And your meaning is...?

15                  A. --intended for that.

16                  Q. I'm sorry,

17                  A. I don't believe that was the meaning  
18                  intended for that.

19                  Q. And the meaning you would want  
20                  intended is that the present net worth should apply to  
21                  all activities proposed in the timber management plan?

22                  A. Right.

23                  Q. And it should apply to all benefits  
24                  that can be achieved from the forest management unit?

25                  A. Correct.

1                   Q. Tangible and intangible?

2                   A. That is right. I suppose when you  
3 run into some of the benefits where there is no  
4 measured value at the present time, well then you have  
5 to put a value on it and you can still do that, I  
6 think, and measure it.

7                   Q. Now, as perhaps a general principle,  
8 in order to implement the aim statement that you've put  
9 forward, is it fair to say that this requires first and  
10 foremost a prediction of the effects of different  
11 management actions in terms of timber and non-timber  
12 values?

13                  A. If you're trying to determine or  
14 maximize the value, yes, you would have to evaluate a  
15 number of alternatives.

16                  Q. Okay. Well, I will accept that  
17 answer, but that wasn't the question. I agree also we  
18 have to look at a number of alternatives to make sure  
19 we have got the maximum. Is that the essence of what  
20 you're saying?

21                  A. Right.

22                  Q. But my question was: Is it fair to  
23 say that you have to predict; in other words, you have  
24 to make a forecast into the future, a quantitative  
25 forecast into the future of the implications of various

1 management actions and that forecast has to be in terms  
2 of timber and non-timber resource benefits?

3 A. Yes, that is right.

4 Q. And is it fair to say that such a  
5 forecast or prediction requires quantification of the  
6 physical change in resource benefit that will result  
7 from the timber management activity?

8 A. Can you repeat that?

9 Q. Certainly. Is it fair to say that  
10 that forecast or prediction requires quantification of  
11 the physical change in resource benefit that will  
12 result from the timber management activities?

13 A. Yes, if you can measure it, you would  
14 want to try to do that, right.

15 Q. Not that you want to but you have to,  
16 if you want to establish a net present worth.

17 A. I think it depends upon how much you  
18 know about the particular resource and whether -- and  
19 how well you can predict what the end result is going  
20 to be and in many cases it's very difficult to come up  
21 with an absolute number, it's really only a best  
22 estimate.

23 You don't always have an absolute number  
24 that you can come up with and sometimes it must be the  
25 best estimate that you can make, but certainly if

1 you're trying to make predictions and you want to put  
2 in a net present worth type of equation, you would have  
3 to have a value that you would use.

4 Q. Is anything an absolute in the  
5 future? Can we ever make -- is there ever such a  
6 thing as an absolute number in the future?

7 MR. CASSIDY: Death.

8 MR. HANNA: No. And what's going to  
9 happen in medicine, Mr. Cassidy.

10 Q. My point is: Aren't we always making  
11 best estimates in the future, it's just a matter of how  
12 refined we can make that best estimate.

13 A. Yes, I think I agree with that. I'm  
14 not too sure that is your question though.

15 Q. It is the question. The question  
16 that I think that you're -- or the point that you're  
17 making is that with some estimates we have a higher  
18 level of uncertainty than with others?

19 A. Yes, that is true, yes.

20 Q. But with all of our estimates in the  
21 future we have a level of uncertainty?

22 A. Except for the one mentioned.

23 Q. Well, we won't go into that debate at  
24 the present time. Fine.

25 Have you a specific proposal to bring

1 forward to deal with the range and uncertainty among  
2 different estimates of the future for different  
3 resource benefits?

4 A. For the whole Province of Ontario?

5 Q. For timber management planning on a  
6 forest management unit basis.

7 A. For the whole Province of Ontario or  
8 for a particular management unit?

9 Q. For the area of the undertaking. We  
10 are talking about -- let me just take a step back. I  
11 am asking here a process question. I'm asking you:  
12 Are you coming forward and asking, or have you got a  
13 proposal to make in terms of, you said we have the  
14 uncertainty, how do we deal with the uncertainty in  
15 making the forecasts and dealing with achieving the aim  
16 that you've set forward?

17 A no will suffice.

18 A. I'm not too sure if I -- how can I be  
19 certain if you're dealing with...

20 Q. If you made a forecast of the future  
21 yield of jack pine on an outwash sand plain. It's the  
22 second cut. You've got three other areas adjacent that  
23 you've undertaken a similar silviculture treatment, you  
24 may have a fairly high certainty as to what the outcome  
25 of that silvicultural prescription might be; agreed?

1                   A. If it's not hit by wind, fire,  
2 disease, et cetera.

3                   Q. That is the unknown in the future,  
4 those are the risks?

5                   A. Right.

6                   Q. How do you propose to deal with fire,  
7 disease, the other matters that you've described?

8                   A. Well, I see, okay. Well, generally  
9 you should have a knowledge of what the average losses  
10 are and you can work that into your equation. If  
11 you're losing -- say, for example, if you have an  
12 adequate transportation system and access and if you  
13 expect so much damage to the forest on average per  
14 year, well then you can work that into what's going to  
15 happen to your forest overall. You won't be able to  
16 narrow it down to a specific spot, but you can plan for  
17 it on an overall basis.

18                  Like, for example, I was reading a paper  
19 by Pockan in West Germany where they have one third of  
20 their harvest as a result of wind damage and insect  
21 damage where one third of their allowable cut is based  
22 on that damage part.

23                  Q. Is that incorporated in the tools  
24 that you have brought forward in terms of estimating  
25 allowable cut?

1                   A. No, I didn't put that in. You could  
2 put that in, but I didn't put that in, no.

3                   Q. In your view should it be  
4 incorporated?

5                   A. I think from what I just said, it  
6 depends upon the management unit. If you have an  
7 adequate access to a management unit and you have an  
8 access, when damage does occur to those areas that can  
9 become part of your allowable cut.

10                  In a sense that happens now on some of  
11 these areas where they've had spruce budworm damage and  
12 they've tried to concentrate the harvest in those  
13 particular areas rather than the areas that they would  
14 normally allocate. So it's partly adjusting to the  
15 problem as it occurs.

16                  Q. Back to the matter of predicting the  
17 physical changes of quantifying those changes.

18                  MADAM CHAIR: Mr. Hanna, would you like  
19 to stop now, or is there something -- is there a  
20 question you could finish off with?

21                  MR. HANNA: Yes, Madam Chair, let's just  
22 finish this. There's just two questions.

23                  MADAM CHAIR: All right.

24                  MR. HANNA: Q. Assuming we've done the  
25 prediction or the forecast of future changes in

1 physical quantitative terms, it then is required to  
2 value those physical changes, and I presume that is  
3 what Panel 7 will be talking about? That's consistent  
4 with your view?

5 A. Yes. You have to have some value,  
6 assumed value in the future that you're working with.

7 Q. So in summary then, you're in support  
8 of the use of quantitative tools to forecast future  
9 resource benefits and the need to prepare explicit  
10 evaluations of those potential outcomes?

11 A. I think you should use as many of  
12 those tools as possible, if you can, yes.

13 Q. Thank you.

14 A. And I would go farther than that, I  
15 think the results have to be made available for all to  
16 see so that you can understand and appreciate how the  
17 management affects the management unit.

18 MR. HANNA: Thank you, Mr. Benson, Madam  
19 Chair, that is my questions for today.

20 MADAM CHAIR: Thank you, Mr. Hanna.

21 We will begin tomorrow morning at nine  
22 o'clock.

23 Thank you, Mr. Benson.

24 ---Whereupon the hearing adjourned at 4:05 p.m., to be  
reconvened on Wednesday, January 9th, 1991,  
commencing at 9:00 a.m.









